

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

CWP-14368-2021

Date of decision: 20.09.2023

SHRI SAI TATA ACE FOUR WHEELERS DRIVER UNION
SAMANA, DISTRICT PATIALA THROUGH ITS PRESIDENT

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for seeking issuance of directions to the respondents to take effective steps to stop plying of illegally modified vehicles being rampantly used for transporting goods, in violation of the provisions of the Motor Vehicles Act and the Rules framed thereunder.

2. Learned counsel appearing on behalf of the petitioner contends that the respondent-authorities have failed to take appropriate action against the owners/users of the vehicle that have been illegally modified, in violation of the provisions of the Motor Vehicle Act and the rules framed thereunder, and such modified vehicles are being plied

for various business related activities and for ferrying goods from one place to the other. It is contended that the illegal & unapproved modification of the vehicles is prohibited in terms of Section 66 (1) read with Section 192 of the Motor Vehicles Act, 1988 and despite the same being illegal, the respondent-authorities have miserably failed to take effective steps to check such menace which exposes people to undue danger on road apart from being a brazen display of violation of law. He has referred various attached photographs in District Patiala where such modified vehicles are being seen openly plying on street and also carrying goods far beyond the carriage capacity.

3. A short affidavit has been filed by the Secretary, Regional Transport Authority, Patiala on behalf of respondents No.1, 2 4 and 5 wherein it has been averred that suitable directions have been issued to take effective steps against the violators who ply their modified engine/rehras and unclassified vehicle for transport business and in spite of this traffic challans are issued to them. Report dated 08.09.2021 has also been appended as per which 54 vehicles have been challaned by the respondent.

4. I have heard learned counsel appearing on behalf of the respective parties and have also noticed that of the 54 challans that have been issued by the respondents, 15 challans have been issued on 24.02.2020; 11 challans have been issued on 08.09.2020; 09 challans have been issued on 09.09.2020; 11 challans have been issued on 05.11.2020 and the remaining challans have been issued on 11.08.2021. It is apparent that the drive taken by the respondents is neither effective nor regular and there is a delay of nearly one year in such drive.

5. The writ petition in this case was filed on 2021 and the respondent refers to the action taken by them in the month of February, September and November, 2020 to reflect the steps taken by them with efficacy and regularity whereas it is evident that after 05.11.2020, the challan drive was initiated only for one day i.e. On 11.08.2021 i.e. after about 9 months and that too after the filing of the present writ petition. The acts undertaken by the respondents seem to be a mere eye-wash and to lead this Court in believing as if the authorities are sanguine of the problem and are taking adequate and appropriate steps to check the menace of modified vehicles on road.

6. It is also noticed that a large number of such cases have been coming before this Court where the respondent-authorities are being called upon to ensure implementation of the law for which they have been deputed and are obligated to comply. The attitude of the respondents has only been an ad hoc arrangement and only superficial steps should be taken. I fail to find the response from the respondents is satisfactory.

7. It is thus directed that the respondents shall ensure appropriate and adequate steps to stop the menace of modified vehicles plying on road, in violation of the provisions of the Motor Vehicle Act, 1988 and the rules framed thereunder. At the same time, the aforesaid acts of lethargy reflected by the respondents calls for imposition of cost on them. Accordingly, a cost of **Rs. 50,000/-** is imposed upon the Secretary, Regional Transport Authority, Patiala. The aforesaid amount be deposited with the ***“Punjab State Legal Services Authority”*** within a period of 04 weeks.

The present petition is disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 20, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No