

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

CWP-16070-2021

Date of decision: 21.08.2023

THE TIPPER TRANSPORT SOCIETY

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

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

Present :- Mr. Tushaar Madaan, Advocate for
Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Somesh Gupta, Senior Panel Counsel
for the respondent No.1-Union of India.

Ms. Anju Sharma Kaushik, DAG, Punjab.
for respondents No.2 to 11.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed for seeking issuance of directions to the respondents No.2 to 8 to ensure that the overload trawlers/trawler bulkers/ tippers etc. are not allowed to move within District Rupnagar, SAS Nagar and Nawashahar.

As per the arguments advanced by the petitioner, which is a registered Society and transports various kinds of raw material, the overloaded vehicles are passing through these cities which is in violation of the provisions of law and also exposes general public to danger.

Short reply by way of affidavit on behalf of respondent No.1-Union of India through Sushil Kumar Geeva has been filed as per

which vide notification Number S.O.3467 (E) dated 16.07.2018 and S.O. 3881 (E) dated 16.08.2018, maximum safe axel weight has been notified. It is further averred that the obligation to ensure implementation of the provisions of the Motor Vehicle Act, 1988 and the Motor Vehicles Rules, 1989 is the responsibility of the concerned State/Union Territory.

A short reply by way of affidavit of Sukwinder Kumar, Secretary, Regional Transport Authority, S.A.S Nagar has also been filed wherein it was averred that traffic checking is conducted by the Enforcement Officers of the Transport Department as well as by the Police Authorities at regular intervals and whenever any vehicle is found to be plying overloaded, a challan is issued and the vehicle is impounded. Details of consolidated checking report from 01.01.2019 to 31.10.2021 was also appended as per which as many as 1905 were challaned and impounded for the commission of offence of overloading and the compounding fee to the tune of Rs. 3.01 Crore was recovered. It is also contended that traffic checking is a continuous and ongoing process and that measures are put in place to ensure that no continuous overloaded vehicle plies on the road in violation of the provisions of the Motor Vehicles Act and the Rules framed thereunder.

It is evident from a perusal of the above said reply that the respondents are taking measures for checking the menace and/or booking the offenders under the Motor Vehicles, Act, 1988 and the Rules framed thereunder. It cannot be lost sight of the fact that the process of checking, impounding and compounding is a regular ongoing process.

Taking into consideration that the respondents are sensitive to the said issue and have been taking measure to stop the menace, I feel that no further directions are required to be passed in the present petition, the same is accordingly disposed of at this stage.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 21, 2023

Vishal sharma

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