

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

216

CWP-16689-2020

Date of decision: 17.02.2023

THE ASSANDH GOODS PUBLIC CARRIER UNION

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: Mr. Akshay Jindal, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. B.R. Mahajan, Sr. Advocate with
Mr. Padamkant Dwivedi, Advocate
for respondent No.7.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of writ in the nature of Mandamus and directing the respondents to take action against the plying of unauthorized vehicles particularly tractor trolley being deployed for commercial purpose.

Written statement on behalf of respondents No.1 to 5 through Veena Hooda, Addl. Deputy Commissioner-cum-Secretary, Regional Transport Authority, Karnal has been filed. The relevant extract thereof reads thus:

“That the present writ petition filed by the petitioner is not maintainable as against the answering defendants. It is respectfully submitted that the answering respondents in order to stop unauthorized operation of vehicles including tractor-trolleys, make inspection from time to time in their jurisdiction, and if anybody is found

contravening the provisions of the Motor Vehicles Act, 1988, he is being challaned as per law. For the period 08.11.2020 and 18.12.2020, 14 owners/drivers of the tractor trolleys have been challaned under Section 192 (A) of the Act, in District Karnal for violating the provisions of the Motor Vehicles Act. The District Administration takes strict steps to curb the unauthorized operation of vehicles on the road, and in future also strict checking shall be done and no unauthorized operation of vehicles shall be permitted. So, grouse of the petitioner against the answering respondent is baseless. The list of the 14 tractor trolleys challaned under Section 192 A of the Motor Vehicles Act, is annexed as R-1.”

It is further been averred that the respondents do not allow the unauthorized operations of the vehicles and the action has been taken against people who are found violating provisions of the Motor Vehicles Act. Inspections are being undertaken from time to time including surprise checking to detect such operations and to take action in accordance with law. The details of various such actions undertaken have also been appended.

In view of the aforesaid stand taken by the respondents and the action against the violators being an ongoing one, the present petition is disposed of as not pressed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 17, 2023

Vishal sharma

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