

(1997) 08 AP CK 0067

In the Andhra Pradesh High Court

Case No : Writ Petition No. 6036 of 1997

G.Bali Reddy and Others

APPELLANT

Vs

Regional Transport Officer and Another

RESPONDENT

Date of Decision : 12-08-1997

Acts Referred:

Motor Vehicles Act, 1988 — Section 192(A), 200

Citation : (1998) 2 ACC 480 : (1998) 2 ALD 92 : (1998) 2 ALT 364

Hon'ble Judges : B.S.A. Swamy, J

Bench : Single Bench

Advocate : Mr. Noushad Ali, for the Appellant; Government Pleader for Transport, for the Respondent

Judgement

1. Aggrieved by the action of the respondents in trying to collect compounding fee even after the judgment of this Court in Writ Petition No.9936 of 1995 dated 23-11-1995 for the alleged violation of Section 192(A) of the Motor Vehicles Act, 1988, the present writ petition is filed.

2. It is his further grievance that not only the transport officials but also the police officials are collecting the compounding fee which is contrary to the judgment of this Court. The factual background of this case is that the State Government issued G.O.Ms.No.54, Transport R& B (Tr.II) Department, dated 31-3-1995 in exercise of its powers u/s 200 of the Motor Vehicles Act, specifying the compound fee for various offences under the Motor Vehicles Act and also empowered certain officers of Transport Department as well as the Police Department to compound the offence. In that G.O., offences u/s 192(A) of the Act i.e., plying of the vehicles without permission or contravention of the terms and conditions of licence is also compoundable. Questioning the validity of the said G.O., a batch of writ petitions were filed on the file of this Court, A Division Bench of this Court in Writ Petition No.9936 of 1995 dated 23-11-1995 held that for the violation of Section 192(A) of the Motor Vehicles Act, the authorities are not empowered to compound the fee in exercise of their powers u/s 200 of the

Motor Vehicles Act. Though the judgment has rendered nearly two years back, the officials of Transport Department as well as the police continued to collect the compounding fee and in the event of the failure of the fee by the owner of the vehicle, they are detaining the vehicles. When similar matters came before me, I directed the Transport Commissioner to appear before the Court, to appraise the Court on the stand taken by him pursuant to the judgment of this Court in Writ Petition No.9936 of 1995, dated 23-11-1995. The Transport Commissioner appeared before this Court on 2-4-1997 and stated that he has already given instructions to his subordinates and as per the directions of this Court he will be addressing a letter to the Director General of Police to give necessary instructions to his subordinates not to collect either the compounding fee or seize the vehicle for any violation that falls u/s 192(A) of the Motor Vehicles Act and sought for time. By that time the Court is reopened. The then Transport Commissioner was transferred to some other department and it is not known whether any communication was sent by him to the D.G.P. or not. On that ground I need not keep the writ petition pending. I feel the purpose will be served by giving a direction to the Director General of Police to give necessary instructions to his subordinates not to collect the compounding fee or seize the vehicle on the ground of non-payment of compounding fee for any violation of the provisions of Section 192(A) of the Motor Vehicles Act, 1988. It is needless to observe that if any violation of the provisions of Section 192(A) are noticed by the police personally, they are at liberty to report to the Regional Transport Authority for taking necessary action in accordance with law. The D.G.P. shall ensure that the orders of this Court in Writ Petition No.9936 of 1995, dated 23-11-1995 are complied with forthwith without further delay.

3. As far as this writ petition is concerned, this writ petition is allowed and a consequential direction is given to the respondents not to collect any compounding fee or seize the vehicle for not paying the compounding fee. But in the circumstances no order as to costs.