
(2006) 08 P&H CK 0226
In the Punjab And Haryana At Chandigarh
Case No : C.W.P No. 9897 of 2006

Jagtar Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 11-08-2006

Acts Referred:

Citation : (2006) 08 P&H CK 0226

Hon'ble Judges : Viney Mittal, J;H.S. Bhalla, J

Bench : Division Bench

Advocate : Gurminder Singh, for the Appellant; Sukhdip Singh Brar, A.A.G., Ajay Gulati, Assistant A.G. and K.K Gupta, for the Respondent

Judgement

Viney Mittal, J.—Written statement, on behalf of respondents No. 3 & 4, filed in the Court today, has been taken on record. Copy thereof has been supplied to the learned Counsel for the petitioner.

2. On August 8, 2006, a specific query was put to learned Counsel appearing for the Food Corporation of India (hereinafter referred to as 'the Corporation') as to whether the Corporation is permitting the over-loading of the trucks containing the food grains. Adjournment was sought by the learned Counsel appearing for the Corporation to seek instructions. Mr. K.K Gupta, learned Counsel appearing for the Corporation states that it may not be possible for the Corporation to enforce various provisions of the Motor Vehicles Act, inasmuch as, the aforesaid enforcement is within the domain of the State authorities.

3. Without going into the enforcement of the various provisions of the Motor Vehicles Act, 1988, we are satisfied that the Corporation has to at least ensure and take such steps as are within its control, that the transport vehicles used by the Corporation are not overloaded in the godowns/loading centres by the Corporation.

4. We further make it clear, that if any of the transport contractors indulges into overloading of the transport vehicles within the godowns/loading centres of the

Corporation then, in such a case, the Corporation should initiate proceedings against such contractor for the termination of their contract in accordance with law.

5. Consequently, we dispose of the present petition with a direction to the Corporation to ensure that the officers of the Corporation do not permit the overloading of the transport vehicles in the godowns/loading centres used by the Corporation. The present petition is disposed of accordingly.