

(2006) 08 JH CK 0060
In the Jharkhand High Court

Lorry Broker Union Association

APPELLANT

Vs

State of Bihar (Now Jharkhand) and Others

RESPONDENT

Date of Decision : 07-08-2006

Acts Referred:

Motor Vehicles Act, 1988 — Section 93

Citation : (2006) 4 JCR 507a

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Heard learned Counsel for the petitioner.

2. Petitioners have challenged the action of the District Transport Officer, Dhanbad, by which the offices of petitioners Nos. 2 to 6, who are said to be members of petitioner No. 1, were sealed on 17.4.1998 on the alleged violation of Section 93 of the Motor Vehicles Act, 1988 (the Act for short). They have further challenged the notices issued to them (Annexure-1 series), by which they were directed to file affidavit regarding compliance of the said provision. Petitioners have also prayed for declaration that the members of petitioner No. 1-association and petitioner Nos. 2 to 6 cannot be coerced to take out a license under the said provision.

3. Petitioner's contention is that they settle the hire charges between the goods transporters, and the persons who intend to transport the goods. They cannot be said to be agent in the business of collecting, forwarding or distributing goods carried by goods carriages as contemplated u/s 93(1)(ii) of the Act. Petitioner's further contention is that no notice whatsoever was given to them before taking such action.

4. On their own showing, petitioners are agents between the persons intending to transport their goods and the persons transporting such goods. Such transaction includes collecting, forwarding or distributing goods carried by goods

carriages. Petitioners are engaged in such agency business. In such circumstances, petitioners are required to take license under the said provisions. Section 93 of the M.V. Act and Rules 102 to 112 of the Bihar Motor Vehicles Act, are made with some purpose.

5. Mr. Sen admitted that under the interim order dated 19.5.1998, the office premises of the petitioners were unsealed.

6. In the circumstances, the members of petitioner No, 1 and petitioner Nos. 2 to 6 will apply for such license before the District Transport Officer, Dhanbad within four weeks from today. Such application will be disposed of by the said authority in accordance with law, within six weeks from the date of receipt of such applications.

7. With these observations and directions this writ petition is dismissed. No costs.