
(1998) 09 MP CK 0062

In the Madhya Pradesh High Court

Case No : Writ Petition No. 576 of 1998

Ramveer Tyagi

APPELLANT

Vs

Regional Transport Authority.

RESPONDENT

Date of Decision : 01-09-1998

Acts Referred:

Motor Vehicles Act, 1988 — Section 2(3)

Citation : (1998) 2 MPJR 429

Hon'ble Judges : S.P. Shrivastava, J

Bench : Single Bench

Advocate : H.K. Shukla, for the Appellant; K.B. Chaturvedi, Govt. Advocate, for the Respondent

Judgement

S.P. Shrivastava, J.

The petitioner owns a good transport vehicle bearing registration no. CIF/896 and has obtained a national permit in his favour which is valid upto 29.3.2001. The registration certification issued by the Regional Transport Authority regarding the aforesaid motor vehicle indicates that the aforesaid transport vehicle has front axle as well as rear axle with different axle weights. The authorisation for running the aforesaid transport vehicle issued by the transport authorities is however only upto 29.3.98 as recorded in the authorisation letter no. 2623/97 dated 29.9.97, a true copy of which has been filed as Annexure - P/5 to the Writ Petition.

The petitioner has moved an application dated 16.3.98 seeking the authorisation certificate authorising him to ply the vehicle in question upto the validity of the national permit.

The aforesaid application is however pending disposal and no final orders have been passed thereon as yet.

Learned Govt. Adv. representing the respondents has urged that the petitioner's transport vehicle does not fall within the category of a multi-axle vehicle and

under the provisions contained in Rule 88 of the Motor Vehicles Rules, 1989, brought into force from 26.9.93, it cannot be permitted to run beyond a period of 12 years which period has expired.

Learned counsel for the petitioner has however urged that the outer limit of the period of running of a multi-axle goods carriage of the category of the petitioner's vehicle has been prescribed to be upto 15 years. According to the petitioner the goods carriage in question has not completed 15 years so far and the application filed by him deserves to be allowed as the vehicle in question is a multi axle vehicle.

The question which arises for consideration in this case is as to whether the goods carriage in dispute which is being utilised against the national permit is a multi axle vehicle as contemplated under Rule 88 of the Rules, referred to hereinabove.

Such a question had come for consideration earlier in the case of Swastik Roadways Company Vs. The Regional Transport Authority and others (Writ Petition No. 249/98) decided on 12.2.98 wherein the vehicle falling in the category of the vehicle involved in the present case was held to be a multi axle goods carriage. Consequently, the Transport Authority was directed to issue authorization as provided for under 87 read with Rule 88 of the Motor Vehicles Rules, 1989 as applicable to the multi axle vehicle.

The learned counsel for the petitioner has urged that in another Writ Petition No. 1473/97 (Bhogiram Verma Vs. The Regional Transport Authority) decided on 2.1.10.97, the Regional Transport Authority was required to decide this question with reference to the particular goods carriage involved in that case and the competent transport authority had infact found that the aforesaid vehicle was a multi axle vehicle.

The assertion is that the goods carriage involved in the present case is also of the same category as involved in Writ Petition No. 1473/97 and once the respondents authorities themselves had held that such a vehicle has to be treated as a multi axle vehicle, it could not discriminate and refuse to grant the authorization sought for in the case of the goods carriage bearing registration no. CIF/896.

The provisions contained in Section -2 (3) of the Motor Vehicles Act indicate that the axle weight of the Vehicle has to be determined in relation to an axle of the vehicle the total weight transmitted by the several wheels attached to that axle to the surface on which the vehicle rests.

In the Rules of 1989, the expression multi axle vehicle has not been defined.

There is nothing in the Act to clarify the meaning assigned to the expression "Multi Axle Vehicle". However, in such a situation, the normal rule of interpretation has to be applied as pointed out by the apex Court in its decision in the case of Jagdish Ch. Patnaik and Others Vs. State of Orissa and Others,

wherein it has been observed that it is a well known principle of construction of statute that when the language used in the statute is unambiguous and on a plain grammatical meaning being given to the words in the Statute, the end result is neither arbitrary, irrational or contrary to the object of the statute, then it is the duty of the Court to give effect to the words used in the Statutes as the words declare the intention of the law making authority best.

Further, in determining either the general object of the legislature or the meaning of its language in any particular passage, it is obvious that the intention which appears to be most in accord with convenience, reasons justice and legal principles should in all cases of doubtful significance be presumed to be true one.

Taking into consideration the facts and circumstances as brought on record, there can be no escape from the conclusion that the expression multi axle vehicle has to be taken to refer to a vehicle having more than one axle.

Since the application of the petitioner seeking authorization referred to hereinabove is still pending consideration, the respondent no. 2 shall ensure that the said application is decided finally in accordance with the law in the light of the observations made hereinabove, and in the decision of this Court in the case of Swastik Roadways Company (Supra), expeditiously.

This Writ Petition is disposed of finally with the observations and directions indicated hereinabove.

There shall however be no order as to costs.