

(2014) 11 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 22100 of 2012

Sohan Singh and Others

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 27-11-2014

Acts Referred:

Motor Vehicles Act, 1988 — Section 113 114 115 194

Citation : (2015) 178 PLR 312

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Baldev Kapoor, Advocate for the Appellant; Ranbir Singh Pathania, DAG, Advocate for the Respondent;

Final Decision : Disposed off

Judgement

K. Kannan, J.

1. The petitioners, who are transporters, have a grievance that the State agencies operating for procurement of foodgrains to the cause of FCI are committing brazen violations of overloading of vehicles beyond the permissible weight and expose the public to great danger. The petitioners would plead that Section 194 of the Motor Vehicles Act makes punishable any motor vehicle which is alleged to be driven in contravention of the provisions of Sections 113 to 115 which deal with the limits of speed, weight and the powers to have the vehicle weighed. The petitioners have also filed copies of documents along with the petition to vouch for their contentions that the State functionaries are issuing indiscriminate gate-passes and loading the vehicles with more than the sanctioned laden weight. The prayer in the writ petition is for directing the first respondent, who is the Secretary, Department of Transport to enforce the relevant provisions of the Act and for directions to respondents 2 to 7 to immediately stop the authorization granted by them to load the vehicles beyond the sanctioned weight. The State has filed reply and produced nearly 300 challans issued for overweight to vindicate its own stand that it had never been

in lapse and it had taken appropriate corrective actions. The respondent No. 7 states that it has never issued any gate-pass and I do not also find any particular document to show their own complicity with the transporters or State agencies for transporting goods beyond the laden weight. The counsel for the respondents 3 to 6 states that they will not issue any gate-pass for loading any vehicle beyond the sanctioned weight. I record the statement and mandate the respondents 3 to 6 to secure undertaking from everyone of the transporters at the time of issuance of gate-pass that no load in excess of the sanctioned weight is being carried by such a transporter. The respondents 3 to 6 will be held responsible and the person that issues a gate-pass will be personally responsible for any violation in this regard, should any information is collected by the petitioner or any person who is aggrieved by acts in contravention of Section 194. If the details are brought to the State of disobedience of the court's directions or violation of the statutory provisions, the State shall take appropriate action blacklisting any vehicle owner that has undertaken to transport goods beyond the laden weight. They shall also ensure that appropriate circulars are issued by the respective State agencies to all the transporters that if any violation of Sections 113 to 115 is noticed, they shall face the consequences which could even include, apart from the punishment under the Act further disqualifications that might result in blacklisting and the loss of entrustment of works.

2. With these observations, the writ petition is disposed of.