
(2010) 08 RAJ CK 0193

In the Rajasthan High Court

Case No : Civil Writ Petition (PIL) No. 2838 of 2007

Vijay Mehta

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 03-08-2010

Acts Referred:

Motor Vehicles Act, 1988 — Section 86

Citation : (2011) 3 RLW 2780

Hon'ble Judges : Jagdish Bhalla, C.J.;Dinesh Maheshwari, J

Bench : Division Bench

Judgement

Hon"ble Dinesh Maheshwari, J.—This writ petition has been filed as a Public Interest Litigation where the petitioner has stated the facts regarding several vehicular accidents that occurred essentially for plying of overloaded vehicles, especially jeeps; and has prayed for the following reliefs:-

10. That in these facts and circumstances the Petitioner prays that the state Government may be called upon to frame a policy so as to ensure -

10/i. That the Jeeps are not permitted to be used for commercial purpose;

10/ii. That even if licence for commercial purposes is sought the Jeeps should be ordered to be oriented in a manner which may not carry large number of passengers.

10/iii. That severe punishment be imposed upon those Jeep owners and drivers who take more than the permitted number of passengers in the Jeep.

Prayed accordingly.

2. After submission of reply pursuant to the notice issued in this matter, on 30.10.2007, this Court took note of the prevailing situation and directed the State Government to submit an action plan so as to provide for installation of close-circuit cameras on the roads where such illegal or heavy loaded passengers vehicles were plied; and for periodical examination of the datas procured from

such cameras and for taking of" strong action against delinquent vehicles.

3. Thereafter, on 14.02.2008, this Court noticed from the compliance report filed on behalf of the respondents that certain measures had been taken by the State authorities to control overloading so far as the jeeps and passenger buses were concerned and to some extent they had been able to control the same by launching prosecution and seizing the vehicles. However, while putting a note of caution that the State authorities should be more alert to keep on checking the vehicles all over the State, this Court granted time to the counsel for the petitioner to complete his instructions.

4. Thereafter, on 23.04.2008, this Court perused the next compliance report filed on behalf of the respondents wherein it was pointed out on behalf of the State Government that necessary steps to install CCTV cameras had been taken up and the object would be achieved by the next financial year. However, this Court observed that the accidents had been often occurring on the highways particularly due to good road conditions but the State authorities appeared to be inactive in taking appropriate action; and this Court directed the authorities to file further affidavit detailing out the activities of enforcement authorities of the Transport Department particularly in regard to checking of the overloaded vehicles and of budgetary allocations for the objects to be achieved. On 04.07.2008, this Court found unsatisfactory the affidavit filed in compliance of the order dated 23.04.2008 and directed the respondents to file yet further affidavit in compliance.

5. After several adjournments, further compliance report was filed on behalf of the State on 06.02.2009. During the course of hearing on 22.07.2009, it was given out on behalf of the State that five (interceptor) vehicles had been detailed with necessary equipments. The learned Additional Advocate General was directed to furnish the information as to how many overloaded vehicles had been detected by them. Further submissions as made in this matter and recorded in the order dated 07.08.2009 read as under:-

Mr. Jangir has produced a list showing fact of filing challans which had been filed during the last some time in the matter of overloading of the passenger vehicles. He wants some more time to suggest some more effective steps to be taken in this regard. He also feels like to advise the Government to consider the aspect, that instead of compensation which is paid by the Government to the dependents in case of accidental death in case of overloaded vehicles, instead of state paying compensation, the liability may be passed to the police authorities of the circle concerned, in which the accident took place, on account of overloading, which may not burden the state of the public exchequer.

Put up after three weeks, as prayed.

6. The matter was thereafter adjourned several times and was heard finally by us on 25.05.2010.

7. From the reports as made on behalf of the State and the submissions as made before the Court, it does appear that the State Authorities had been on their endeavour to deal with the problems related with and arising due to the overloaded/overcrowded vehicles. Though we cannot state our total satisfaction over the efforts made but then, in the context of problem in question, we cannot reject altogether the submissions made on behalf of the State as being artificial or eye-wash. It has been stated in the last report filed on behalf of the State that,-

3. That it is humbly submitted that during the period between April, 2009 to September, 2009 hectic efforts were made by the authorities of the Department for checking the unauthorised and illegal vehicles going without permit, over loaded and over crowded and also having no valid permits. The number of such vehicles which were checked during this period were 323138. The detail of challans, vehicles without permit, without tax etc. are given in the annexed chart which is marked as Ex. R.4

4. That as submitted earlier, the respondents have deployed 5 HFS-Interceptor Flying Vehicles at 5 cities namely; Chittorgarh, Sikar, Ajmer, Pali and Banner. During the period between 01.08.2009 to 24.09.2009 hundreds and thousands of vehicles were checked and they were challaned for violation of the provisions of the Act and the Rules. The details of such vehicles are given in the annexed daily progress report of Interceptor Flying Squad and same is marked as Ex. R.5. It is thus, again clear that the respondents are doing their best efforts to intercept, check, challan and seize illegal and unauthorised vehicles.

5. That it is further relevant to submit that during the period between 20.05.2008 to 09.09.2009 a good number of vehicles were taken to task for violation of the provisions of Section 86 of the Motor Vehicles Act, 1988, the details of which are contained in the annexed list which is marked as Ex. R.6.

6. That a detail information of composite checking done from 21.05.2009 to 26.08.2009 has also been collected and same is being submitted herewith in the form of a statement and marked as Ex. R 7. This statement shows that thousands of vehicles were checked, challaned, seized and penalty imposed under the provisions of the Motor Vehicles Act.

7. That it is clear from the details submitted above that the respondents were doing their best to take action against the plying of the unauthorised, illegal, over loaded and over crowded vehicles, and this process is being going on throughout the state of Rajasthan. The 5 interceptor flying vehicles are operating very efficiently in all the 5 districts mentioned above.

8. In view of the efforts so made and looking to the nature of problem, while we do not find any reason to continue with this: writ petition any further but, before disposing of the matter, would sound a need of caution for the State Authorities to continue with their efforts and to keep the promises made before this Court without fail.

With the observations aforesaid, this writ petition stands disposed of.