

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1644 of 2011

ORDER:

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The petitioner is the owner of a heavy goods vehicle bearing No.AP 11 U 3033. On 26.01.2011, it was seized by respondent No.2 on the ground that it was overloaded by about 4,965 kgs. The petitioner challenges the panchanama, under which the vehicle was seized.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

In the recent past, the heavy goods vehicles are loaded in excess of their capacity leading to damage to the roads. In certain cases, the authorities are passing orders suspending the permits depending upon the extent of overload. It is not known as to whether any order of suspension of permit has been passed against the petitioner.

The Motor Vehicles Act and the Rules made thereunder provide for levy of penalty to the extent of Rs.1000/- per ton of overload. The continued seizure of the vehicle that too in a loaded condition would cause heavy damage to the vehicle.

Hence, the writ petition is disposed of, directing that in case no orders suspending the permit of the vehicle in question have been passed by the authority concerned, the respondents shall release the vehicle by collecting the overload penalty in accordance with the provisions of law. There shall be no order as to costs.

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L.NARASIMHA

REDDY,J

Dt:31.01.2011

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