

**HONOURABLE SRI JUSTICE L. NARASIMHA REDDY**

**WRIT PETITION No.40346 of 2012**

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**ORDER:**

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Petitioner is the owner of a heavy goods vehicle bearing No.AP 24 X 4118. On 21-12-2012, it was seized by the respondent on the ground that it was overloaded by about 5,240 kgs. The petitioner challenges the check report, under which the vehicle was seized.

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

3. 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.

4. The Motor Vehicles Act and the Rules made thereunder provide for levy of penalty to the extent of Rs.1000/- per tonne of overload. The continued seizure of the vehicle that too in a loaded condition would cause heavy damage to the vehicle. At the same time, the greed of the owners of the vehicles cannot be permitted to damage and spoil the roads on account of undue overload. While in inadvertent overload to an extent of 15% can be condoned by collecting the penalty at the rate of Rs.1,000/- per tonne, any overload exceeding that must be penalised through levy of double the amount.

5. Hence, the writ petition is disposed of, directing that the respondent shall release the vehicle in question by collecting the penalty of Rs.1,000/- per tonne for overload up to an extent of 15% of the maximum carrying capacity of the vehicle as entered in Registration Certificate and at the rate of Rs.2,000/- per tonne for any overload in excess of 15% of such capacity. The respondents shall return the original documents pertaining to the vehicle, if taken from the petitioner, duly retaining copies thereof. There shall be no order as to costs.

6. The miscellaneous petition filed in this writ petition shall also stand disposed of.

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**L. NARASIMHA REDDY, J.**

**December 31, 2012.**

**Note:**

**Issue CC in two days.**

**B/O.**

**KTL**