

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 144 OF 2013 (FOR PREL.HEARING)

MAHINDER SINGH GILL & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With office report)

Date: 01/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s) Mrs.Rani Chhabra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

In this petition filed under Article 32 of the Constitution, the petitioners have made the following substantive prayers:

"a) pass order, direction and/or any other appropriate writ directing the Central Government to enforce the provisions of each of the anti-overloading provisions of the Motor Vehicles Act like Section 113, 114, 194 etc. and effectively prevent the entry of overloaded vehicles to the National Highways.

b) pass order, direction and/or any other appropriate writ directing all the respondents to install weigh bridge on all the entry points of all the States as well as at all port gates, all APMC gates, Fruit Market gates, Steel Market gates, whole sale market gates under control of all the Respondents Regional Transport Authority of all the States and comply with the provisions of Section 114 of not allowing overloaded vehicles to proceed until excess goods were off loaded while leaving the responsibility of bringing GVW within the prescribed limit on the vehicle owner.

c) pass order, direction and/or any other appropriate writ directing the States that on whatever basis they are charging fine for overloading should strictly be good enough for purpose off-loading as well.

d) pass order, direction and/or any other appropriate writ directing the States that compliance of Section 114 of the M.V.Act, 1988, shall be strictly observed while dealing with any overloaded vehicle which includes making entry on the permit and informing the authority which issued the permit.

e) pass order, direction and/or any other appropriate writ directing the State Governments to instruct their Enforcement Agencies to comply with the provisions of Sections 113, 114 and 194 of the Motor Vehicles Act in its strict sense."

After making submissions for a while, Mrs.Rani Chhabra, learned counsel for the petitioners made a request that her clients may be permitted to withdraw the writ petition with liberty to avail other remedies.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master