

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1210 of 2020

Petitioner :- Satish Kumar Chaudhary

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Ishwar Kumar Upadhyay

Counsel for Respondent :- C.S.C., Hridaya Narayan Mishra, Santosh Kumar Mishra, Vijay Kumar Dixit

Hon'ble Govind Mathur, Chief Justice

Hon'ble Piyush Agrawal, J.

Heard learned counsel for the petitioner, Sri V.K. Dixit, learned counsel for respondent nos.3 and 4 and Sri Vinay Mishra, learned counsel for respondent nos.5 to 7.

This petition for writ is preferred to ensure compliance of Sections 113, 114, 115 and Section 194 of the Motor Vehicles Act, 1988.

It is submitted by learned counsel appearing on behalf of the petitioner that though the State machinery is required to check overloading on the vehicles but at the specific place referred in the petition for writ and also in the entire State of Uttar Pradesh the vehicles passenger as well as commercial are moving in violation of the provisions above. The overloading in the vehicles is a big reason for road accidents.

Having considered the argument advanced and the facts averred in the petition for writ, we deem it appropriate to call upon the respondent no.2, Transport Commissioner, Uttar Pradesh to respond the issue with regard to compliance of the mandatory provision of the Motor Vehicles Act, 1988 referred in the preceding paras.

The Transport Commissioner, Lucknow shall file a complete response in form of affidavit before next date of listing.

Let this petition for writ be listed on 6th January, 2021.

Order Date :- 18.11.2020

Bhaskar

(Piyush Agrawal, J.) (Govind Mathur, C.J.)