

The M.P. Motor Parivahan Yano Par Pathkar Ka Udgrahan Rules, 1985

MADHYA PRADESH

India

The M.P. Motor Parivahan Yano Par Pathkar Ka Udgrahan Rules, 1985

Rule

THE-M-P-MOTOR-PARIVAHAN-YANO-PAR-PATHKAR-KA-UDGRAHAN of 1985

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The M.P. Motor Parivahan Yano Par Pathkar Ka Udgrahan Rules, 1985Published vide Notification No. 7-3-85-8, dated 18-11-1985, M.P. Rajpatra (Asadharan), dated 18-11-1985 at pages 2268-2270In exercise of the powers conferred by Section 14 of the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 (No. 17 of 1985), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Rules, 1985.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 (No. 17 of 1985);(b)"Form" means the form appended to these rules;(c)"Section" means a section of the Act.

3. Detention and disposal of vehicle or any part or accessory thereof.

(1)When the Toll Tax Officer takes action under sub-section (2) of Section 6, he shall prepare a detention order in Form 1 in triplicate and serve a copy of the order on the driver or any other

person incharge of the motor transport vehicle and obtain his signature on the third copy of the order.(2)The Toll Tax Officer may keep the motor transport vehicles or part or accessory thereof detained in his custody for 24 hours and if during that period, the toll and/or penalty has not been paid, then, the Toll Tax Officer shall send or cause to be sent the motor transport vehicle or part or accessory thereof detained to the nearest police station and may for that purpose require the driver to drive the vehicle, in such case second copy of the detention order shall be given by the Toll Tax Officer to the Police Officer in whose custody the vehicle or part or accessory thereof is given.(3)The vehicles or part or accessory thereof detained under sub-section (2) of Section 6 shall be released on payment of the toll and/or penalty. Where the vehicle or part or accessory thereof is in the custody of the Police Officer, a release order shall be issued and on receipt of the release order, the vehicle or part or accessory thereof shall be released forthwith.(4)If during the period of one month from the date of detention, due toll and/or penalty is not paid, the vehicle or part or accessory thereof detained may be disposed of by the Toll Tax Officer by public auction at the risk and expenses of the operator of the vehicle concerned and the sale proceeds shall be disbursed to the operator after deducting therefrom the amount of toll and/or penalty due alongwith the expenditure incurred on the auction.

4. Appellate Authority.

(1)The appellate authority for the purposes of Section 8 shall be the same as appointed by the State Government under Section 14 of the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962 (No. 19 of 1962).(2)The appellate authority may, after giving the appellant an opportunity of being heard, pass such order, as it thinks fit.

5. Manner of levy, payment and collection of toll.

(1)The driver or the person in-charge of the motor transport vehicle shall pay the toll at the rate prescribed by Government from time to time in cash to the Toll Tax Officer at the barriers established for the collection of toll. The Toll Tax Officer shall issue a receipt in Form 2 for the amount paid. This receipt shall be kept by the driver with the vehicle and shall be produced before any Toll Tax Officer on demand.(2)If the Toll Tax Officer has reason to believe that a motor transport vehicle has entered the limit of Madhya Pradesh without payment of toll due, he may, at any time after giving due opportunity to the driver or person incharge of the motor transport vehicle making a representation, levy toll on him and realise the same.

6. Lump sum agreement.

- Where an agreement to pay the toll in lump-sum has been entered into, such agreement together with endorsement showing the entries of payment of toll, duly, authenticated by the Toll Tax Officer, shall be produced on demand by any officer of the Transport Department not below the rank of Assistant Transport Sub-Inspector. Form I[Rule 3(1)]Transport Department, Madhya Pradesh
Detention order of vehicle/part of vehicle/accessory of vehicle

1. Date
Time
Place
2. Name and designation of the officer detaining the vehicle/part of the vehicle/accessory of the vehicle.
3. Name and address of the operator or person in-charge of the vehicle
the vehicle
4. Name and address of the owner of vehicle
5. Name and address of witnesses- (1)
(2)
6. (1) Description of motor transport vehicle
(2) Chassis No.
(3) Engine No.
(4) Description of goods if loaded
7. Brief description of the vehicle/part of vehicle/accessory of vehicle detained

The above vehicle/part of the above vehicle/accessory of the above vehicle has been detained under sub-section (2) of Section 6 of the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 and is given in the custody of the Station Officer, Police Station.....The vehicle may not be released without my/Court's orders. The operator/person in-charge/driver of the vehicle is instructed to remain with the vehicle for its safety. If the vehicle is loaded, then permission is accorded to remove its goods by any other vehicle.

..... Signature of Witnesses-

Signature of Toll Tax Officer (1)

(2)

.....

Signature of operator

Copy to :-(1)A.D.M. (J)(2).....for information.....Signature of Toll Tax OfficerForm II[Rule 5 (1)]Government of Madhya Pradesh Transport DepartmentReceipt issued under Ike Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985Check Post/Flying Squad.....Book No.....Receipt No.....Received Rs.....on account of toll in respect of motor transport vehicle bearing Registration No.....for entry in the Madhya Pradesh on(date).....Toll Tax Officer.