

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD
MAIN CASE NO: W.P.No.26655 of 2025
PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
10.	18.11.2025	<u>NVSK,J</u> Petitioner is challenging the traffic challan generated by the Telangana Police Integrated E-Challan System, imposing Rs.1,200/- and user charges of Rs.35/- with a total fine of Rs.1,235/- imposed by respondent No.3 without showing provision of the law for violation of triple riding on two wheeler as arbitrary, illegal and contrary to Section 128 R/w. Section 177 of M.V.Act, 1988 R/w. Section 167 A (6) of Central M.V. Rules, 1989 and that the respondents shall issue traffic violation challans only as per 1988 Act but not as per 2019 amendment. Learned counsel for the petitioner would refer to Section 184 of the M.V. Act, 1988 which reads as follows: “184. Driving dangerously.— Whoever, drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, and for any second or subsequent offence if committed within three years of the	Tr. to io folder before corrections.

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		commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.” Learned counsel for the petitioner submits that challan issued to the petitioner is not in accordance to Section 184 of the M.V. Act, 1988 and is not applicable to the petitioner’s case. He would further submit that rule/law of traffic violation challans as per the amendment of M.V.Act 2019 is not applicable to the State of Telangana, which has been specifically admitted by the respondents in their counter affidavit in W.P. No.9115 of 2024 as such, the respondents have to follow the provisions of Central M.V. Act, 1988. Learned counsel for the petitioner has further drawn the attention of this Court to the Rule 167 of Central Motor Vehicle Rules, 1989 which deals with procedure for issuance and payment of challan and in Sub-Rules 7 and 8, it is stated that challans should be subject to the order of the Court and as per Rule 167-A (6) of Sub-Rule (iv) i.e., Electronic Monitoring and Enforcement System, it is stated that notice specifying the provisions of Act that has been violated has to be intimated to the offenders/violators.	

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		Learned Government Pleader for Home submits that as per Section 200 of M.V. Act, 1988, the offences are compoundable and the State Government may by notification in the official Gazette specify the fine amounts accordingly. He would further submit that the Government has issued G.O.Ms.No.54 dated 28.03.2006 pursuant to the directions of the then Hon'ble High Court of A.P. in a taken up case in W.P.No.10360 of 2014, wherein certain directions were issued to the Transport Department to take steps regarding violations relating to wearing of helmets, use of seat belts and prohibition of use of mobile phones while driving and directions were also issued for imposing heavy penalty on the offenders considering the representation of traffic police for enhancement of the compounding fees as the present rates are low and felt that it is right time to increase the existing rates of compounding fees for effective implementation of provisions of the Motor Vehicle Act. Learned Government Pleader would further submit that the Government, thereafter issued G.O.Ms.No.108 dated 18.08.2011 with reference to G.O.Ms.No.54 and submits that as per the schedule petitioner's case falls under the category of driving dangerously and as per Section 184 of the Act, the fine amount prescribed is Rs.1,000/-.	

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		Per contra, learned counsel for the petitioner submits that the traffic challans does not specify the provisions while imposing fines and as per M.V. Act, 1988, Section 128 read with 177, the penalty envisaged therein is only 100 to 300 INR and not Rs.1200/-. As such, the petitioner/ citizens have no idea as to the justification of such challans and imposing such fines is a financial burden on middle class citizens in the State. Learned counsel further submits that at the end of the year discounts/rebates are given on the pending and unpaid challans and the entire exercise is only a drive to collect revenue in the name of such challans. Further if such discounts are given, the offenders would not adhere to the rules. Learned Government Pleader for Home further submits that the petitioner in case is aggrieved by the challan, he can make a representation to the respondents and would further submit that it should not be difficult for the respondents to specifically mention provision of law under which challans have been issued including the petitioner. Learned Government Pleader for Home further submits that the present portal cannot keep all these details,	

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		however, the respondents are trying to incorporate the provisions of law in the Telangana Police Integrated E-Challan System. Heard Sri Vijay Gopal, learned counsel for the petitioner and learned Assistant Government Pleader for Home for the respondents. On a perusal of the traffic challan as filed in the writ petition, it has been specified that the violation is triple riding and fine amount of Rs.1,235/- was imposed and in the said challan as per Rule 167-A Sub-Rule (iv) of Central Motor Vehicle Rules, 1989, there is no mention under what provision of the law, the petitioner violated. That apart even considering the amounts specified under G.O.Ms.No.108 assuming that petitioner's case falls under Section 184 as driving dangerously, the prescribed fine amount is Rs.1,000/-. Imposing fines and granting discounts to the traffic violators not only weakens the fear of legal consequences but also encourages repeated violations and traffic indiscipline in Hyderabad and other parts of the State. The matter requires further examination. Let a counter affidavit be filed by the respondents by the next date of hearing.	

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		Further considering the submissions of learned Government Pleader that the provisions of law can be upgraded in the e-challan system, the petitioner may verify whether the portal has been upgraded whereby citizens can verify status of the challans which specifies the provisions of the Acts and applicable rules and rates by the next date of hearing. List on 09.12.2025. Bw/LSK <u>NVSK,J</u>	