

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.4072 of 2022

Madhusmita Nayak

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM : JUSTICE S.PUJAHARI

ORDER

12.04.2022

Order
No.

03.

1. This matter is taken up through hybrid mode.
2. Heard the leaned counsel for the parties.
3. The grievance of the Petitioner is that she has been imposed penalty without giving her any show cause notice and the Opposite Party No.2-R.T.O., Kendrapara did not accept the M.V. Tax in respect of the vehicle bearing Registration No.OD-29-J-8889.
4. Considering the limited grievance of the Petitioner, so also in view of the settled position of law that penalty cannot be imposed without giving any show cause notice, decided in the case of *Sujit Kumar Dhir and others -vrs.- Regional Transport Office, Keonjhar and others, reported in 2014 (II) OLR 1070*, this Court directs the Opposite Party No.2-R.T.O., Kendrapara to accept the M.V. Tax from the Petitioner. But, so

far as the imposition of penalty is concerned, the Opposite Party No.2-R.T.O., Kendrapara shall ask the Petitioner for a show cause and after filing such show cause, the same shall be disposed of in the manner known to law with regard to the liability of penalty to be imposed on the Petitioner.

5. However, it is made clear that if the case of the Petitioner is squarely covered by the decision of this Court in the case of ***Sujit Kumar Dhir*** (supra), the authority concerned shall act on the same accordingly.

6. With the aforesaid order, this writ petition stands disposed of.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge