

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8434 of 2022

Sarojini Biswal

Petitioner

....
Mr.H.N.Mohapatra, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr.B.P.Tripathy, A.G.A.

**CORAM:
JUSTICE A.K.MOHAPATRA**

Order No.

**ORDER
26.10.2022**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr.H.N.Mohapatra, learned counsel for the Petitioner and Mr.B.P.Tripathy, learned Additional Government Advocate.
3. The present writ application has been filed by the Petitioner being aggrieved by the conduct of the authority in not accepting the application of the Petitioner claiming compensation under the hit and run policy of the Government.
4. It is stated at the bar that the aforesaid policy came into existence after the judgment of the Hon'ble Supreme Court in the matter involving the welfare of the family members and relatives of victims of hit and run case when the vehicles are unknown. The Government of Odisha in the department of Commerce and Transport Department pursuant to the aforesaid judgment of the

Supreme Court by virtue of a Notification No.3663 dated 14.05.2018 have prepared and published hit and run policy where the victims and their families are entitled to claim compensation. In the instant case the husband of the present Petitioner met with an unfortunate road accident on 10.03.2020 as a result of which he passed away. It is stated that the wife of the Petitioner submitted an application before the R.T.O., Angul, the Opposite Party No.3 under Annexure-6. However, the same was not accepted and returned to the Petitioner on the ground that the same is barred by limitation. The learned counsel for the Petitioner draws the attention of this court to the Policy formulated by the State Government under Rule III Rule(2) of the Policy, it is provided that the application shall be made within six months from the date of accident.

5. However, there is no embargo in the said policy for receipt of application beyond the period of limitation. Applying the settled position of law when there is no embargo in the policy/law with regard to applicability of section 5 of the Limitation Act. Provisions of Section 5 of Limitation Act shall apply and the same will confer power upon the authority to condone the delay.

6. It is too a well known fact that there was COVID lock down and shut down in the entire country. During which period this application was supposed to be submitted by the applicant. Therefore, she was prevented by sufficient cause to submit the application with the aforesaid stipulated period of time. Moreover, the objective of the policy of the State Government is to compensate the victim and his/her family members under hit and run policy.

7. Considering the objective of the Policy framed by the State Government pursuant to the direction of the Hon'ble Supreme

Court, this Court deems it proper to take a lenient view and ignore the delay in submission of application. In such view of the matter, the Opposite Party No.3-Regional Transport Officer, Angul is directed to accept the application of the Petitioner ignoring the delay if any in filing such application and shall consider such application on its own merit and take a decision in terms of the policy of the State Government within a period of three months from the date of production of a copy of this order. Further the amount, if any, payable as compensation be paid within one month thereafter.

8. With the aforesaid observation/direction, the writ application is disposed of.

(A.K. Mohapatra)
Judge

RKS

