

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7082 of 2013

***Resha Construction (P) Ltd.,
Bhubaneswar***

....

Petitioner

Mr. A.K. Satapathy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. P. Behera, Standing Counsel
for Transport Department

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAIK**

ORDER

01.08.2022

Order No.

07.

1. The challenge in the present petition is to the seizure of the Petitioner's vibratory soil compactor affected on 8th March, 2013. On 29th April, 2013 the vehicle was directed to be released by this Court to the Petitioner subject to him depositing Rs.1,00,000/- (rupees one lakh) with the RTO, Angul. The RTO, Angul was asked to keep in fixed deposit and renew subject to further orders of the Court.

2. Till now, no counter affidavit has been filed in the present petition.

3. Learned counsel for the Petitioner has produced before the Court a copy of clarificatory circular issued on 7th July, 2015 by the State Transport Authority, Odisha to all RTOs *inter alia* stating that the vibratory soil compactor "is exempted from registration under Rule 27 of the Odisha Motor Vehicle Rules,

1993 read with Section 65 of the Motor Vehicles Act, 1988.” It is further directed that “hence such vehicles operating for road construction purposes only should be exempted from registration.”

4. Learned counsel for the Transport Department refers to some amendments made subsequently to the Central Motor Vehicles Rules, 1988 which mandates registration of such vehicles. However, obviously the said rule is prospective in nature.

5. In view of the above clarificatory circular, the seizure of the Petitioner’s aforementioned vehicle affected on 8th March, 2013 is held to be illegal. A further direction is issued that the sum of Rs.1,00,000/- deposited by the Petitioner with the RTO, Angul in terms of the order dated 29th April, 2013 of this Court will be returned to the Petitioner along with interest accrued thereon within a period of four weeks from today.

6. The writ petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge