

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.13815 OF 2022

Tulu Swain

Petitioner

Mr. Manoj Kumar Panda, Advocate

-versus-

***The Transport Commissioner-cum-
Chairman, S.T.A., Cuttack and others***

.... Opp. Parties

Mr. Pravakar Behera, Standing Counsel
(For Opp. Party Nos.1 and 2)

Mr. Ramachandra Panigrahi, Advocate
(Opp. Party No.3)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.06.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to consider his grievance and issue a certificate of registration in respect of the vehicle bearing Registration No.OD-19-H-7955 (Truck) in his favour.
3. Mr. Panda, learned counsel submits that the Petitioner has purchased the vehicle in an auction sale conducted by Tata Motors Finance Limited-Opposite Party No.3 by paying a substantial amount of auction money. Thereafter, he has made an application in proper format to the R.T.O., Angul for issuance of registration certificate in respect of the aforesaid vehicle, but the same has not yet been considered. Due to inaction of the authority, the Petitioner has made a representation to the R.T.O., Angul on 2nd May, 2022 as at Annexure-3, but in vain. Hence, the Petitioner finding no other alternative has approached this Court for the aforesaid relief.

4. Mr. Panigrahi, learned counsel for the financier submits that the Petitioner is an auction purchaser of the vehicle bearing Registration No.OD-19-H-7955 (Truck). Since the Petitioner has already made a representation to the R.T.O., Angul for issuance of registration certificate in his name, it he may be considered in accordance law.

5. Mr. Behera, learned Standing Counsel for the Transport Department submits that since the representation of the Petitioner under Annexure-3 is still pending before the R.T.O., Angul, he may do well to take a decision on the same in compliance with the provisions of Section 51(5) of the Motor Vehicles Act, 1988 (for short 'the Act').

6. Taking into consideration the rival contentions of the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that on production of certified copy of this order, the R.T.O., Angul- Opposite Party No.2 shall do well to consider the representation of the Petitioner as at Annexure-3 as expeditiously as possible preferably within a period of three weeks therefrom keeping in mind the provision of Section 51(5) of the Act.

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

(K.R. Mohapatra)
Judge

bks