

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 13905 of 2022

Gopabandhu Das

....

Petitioner

Ms. Sasmita Nayak along with Mr.
S.M.Singh, Advocate

-versus-

**The Transport Commissioner-
cum-Chairman, STA, Cuttack
& another**

....

Opp. Parties

*Mr. Pravakar Behera, Standing
Counsel (Transport)*

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
02.06.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. The grievance of the petitioner in this case is that though he has made an application dated 13th May, 2022 vide Annexure-2 for cancellation of Registration Certificate of the vehicle bearing No.OR-05-P-7907 (Truck), which has been damaged/destroyed to the Opposite Party No.2- Regional Transport Officer, Chandikhole, no decision on the same has yet been taken in spite of the instruction of the Transport Commissioner, Odisha in his letter No.11010/TC dated 11th December, 2020 to all Regional Transport Officers vide Annexure-1.
3. It is further submitted that the petitioner has filed this writ petition seeking a direction to the Opposite Party No.2- Regional Transport Officer, Chandikhole to take decision on the application for cancellation of certificate, notwithstanding the pendency of arrear tax and penalty under OMVT Act, 1975 or any Tax Recovery Proceeding

inasmuch as the instruction dated 11.12.2020 of the Transport Commissioner is very clear regarding the said aspect.

4. The learned Standing Counsel appearing for the Transport Department relying on the instruction dated 11.12.2020, submits that pendency of arrear tax and penalty under the OMVT Act, 1975 or Tax Recovery Proceeding is not a bar for cancellation of registration certificate of the vehicle.

5. Having heard the learned counsel for the parties, the writ petition is disposed with a direction to the Opposite Party No.2- Regional Transport Officer, Chandikhole to take a decision in accordance with law on the application of the petitioner (Annexure-2) taking into consideration the instruction of the Transport Commissioner, Odisha dated 11.12.2020 (Annexue-1), within six weeks hence.

6. It is clarified that this Court has not expressed any opinion on the merits of the pending application of the petitioner before the authority in any manner whatsoever.

Issue urgent certified copy as per rules.

Copy of the order be uploaded.

(M.S. Sahoo)
Vacation Judge