

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.14019 OF 2022

Ratnakar Behera

..... ***Petitioner***

Mr. Braja Mohan Sarangi, Advocate

-versus-

***Regional Transport Officer,
Rairangpur***

..... ***Opp. Party***

Mr. Pravakar Behera,
Standing Counsel for
Transport Department

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
22.06.2022**

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. The grievance of the Petitioner in this writ petition is that he has been imposed penalty without giving him any show cause notice and the Opposite Party did not accept the M.V. Tax in respect of the vehicle bearing Registration No.OD-11-A-8761 (Truck).
3. 3. 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 –v- Regional Transport Officer, Keonjhar and others***, reported in 2014 (II) OLR 1070, this Court directs the Opposite Party to accept the M.V. Tax from the Petitioner. But, so far as imposition of penalty is concerned, the Opposite Party 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 liability of penalty to be imposed on the Petitioner.

4. 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.

5. With the aforesaid observation and direction, this writ petition stands disposed of.

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

(K.R. Mohapatra)
Judge



bks