

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15556 OF 2022

Ghazala Salim

....

Petitioner

Mr. Alok Kumar Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Pravakar Behera,

Standing Counsel

(For Transport Department)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.09.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Opposite Parties to register his vehicle i.e. TATA CITY RIDE EX 50+1 SKOOL LP909 bearing Chassis No.MAT513351JFC03550, Engine No.4SPCR11BRY610928.
3. It is submitted by Mr. Mohapatra, learned counsel for the Petitioner that the vehicle is a BS-IV vehicle and temporary registration of the vehicle was made on 7th April, 2018, which was valid for the period from 28th April, 2018 to 27th May, 2018. Thereafter, although an application was made for permanent registration, but no action was taken by the Regional Transport Officer (R.T.O.), Mayurbhanja-Opposite Party No.2 to provide registration certificate of the aforesaid vehicle. The Petitioner finding no other alternative has made an application under Annexure-2 for issuance of registration certificate in respect of the aforesaid vehicle, but to no effect. Hence, this writ petition has been filed.

4. This Court considering the grievance of the Petitioner directed Mr. Behera, learned Standing Counsel for the Transport Department to take instruction in the matter.

5. Mr. Behera, learned Standing Counsel for the Transport Department brings notice of this Court to the order passed by Hon'ble Supreme Court on 6th April, 2022 in W.P.(C) No.13029 of 1985, relevant portion of which is quoted hereunder:

“Several applications are filed seeking directions for registration of their vehicles. All vehicles which have been uploaded on e-Vahan portal for permanent/temporary registration numbers on or before 31.03.2020 shall be registered without insisting on the applicants approaching this Court for suitable orders.”

He also refers to the order issued by the Transport Commissioner-cum-Chairman, State Transport Authority, Odisha, Cuttack on 17th August, 2022 pursuant to the order passed by the Hon'ble Supreme Court in the aforesaid writ petition, relevant portion of which is quoted as under:

“In the meantime Hon'ble Supreme Court vide order dated 06.04.2022 passed in W.P.(C) No.13029 of 1985 directed that “Several applications are filed seeking directions for registration of their vehicles. All vehicles which have been uploaded on e-Vahan portal for permanent/temporary registration numbers on or before 31.03.2020 shall be registered without insisting on the applicants approaching this Court for suitable orders.”

Writ petitions are being filed before Hon'ble High Court of Orissa seeking direction for registration of BS-IV vehicles purchased by them in terms of order passed by Hon'ble Supreme Court (supra). For registration of BS-IV vehicles a step-by-step process flow made by TD, NIC is enclosed herewith.

It is ordered that the Regional Transport Officers shall analyze all pending cases relating to registration of BS-IV vehicles for the year 2018 to 2020 under new

registration transaction on case to case basis and send their proposal for approval by this office in Vahan Portal.”

6. In view of the above, Mr. Behera, learned Standing Counsel for the Transport Department submits that in the event, the Petitioner makes a fresh application to the R.T.O., Mayurbhanja-Opposite Party No.2 for issuance of registration certificate in respect of the aforesaid vehicle, the same can be considered in the light of the aforesaid order passed by the Hon'ble Supreme Court as well as the order issued by the Transport Commissioner-cum-Chairman, State Transport Authority, Odisha, Cuttack.

7. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that in the event, the Petitioner makes a fresh application for issuance of registration certificate in respect of the aforesaid vehicle enclosing all relevant documents and requisite fees within a period of two weeks hence along with certified copy of this order, the R.T.O., Mayurbhanja-Opposite Party No.2 shall do well to consider the same in accordance with law and pass a reasoned order thereon within a period of four weeks therefrom.

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

(K.R. Mohapatra)
Judge