

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15563 OF 2022

Sujan Kumar Roy Choudhury

Petitioner

Ms. Kananbala Roy Choudhury,
Advocate

-versus-

State of Odisha and another

.... Opp. Parties

Mr. Pravakar Behera,
Standing Counsel
(For Transport Department)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

02.08.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the E-challan dated 13th June, 2022 issued by the Transport Department due to plying of the vehicle by the driver without valid Driving License at a speed beyond the prescribed limit.
3. Ms. Roy Choudhury, learned counsel for the Petitioner submits that at the relevant time, the driver of the vehicle had valid Driving License. But, the stipulation made in the E-challan reads as under:
- “2. Since the vehicle is not stopped no DL has been presumed. After production of DL, no DL charge will be removed.”*
4. In view of the Remark No.2, as aforesaid, in the E-challan, even if the Petitioner produces the Driving License of the driver, penalty for non-submission of DL will not be deducted. Thus, Petitioner finding no other alternative has filed this writ petition.

5. Mr. Behera, learned Standing Counsel for the Transport Department submits that '*no DL charge will be removed*' has been inadvertently stated in the Challan. If the Petitioner produces the Driving License of the driver, the charges for non-submission of the Driving License shall not be recovered.

6. Taking into consideration the peculiar facts and circumstances of the case and that the Petitioner would be liable to pay Rs.5,000/- only, if the driver of the vehicle does not have a valid Driving License, this Court considering the submission of Ms. Roy Choudhury, learned counsel for the Petitioner directs that on payment of Rs.2000/- (without prejudice to the rights of the parties) with an application to transmit the record to the competent Court, the R.T.O. Puri shall do well to transmit the case record to the concerned competent court of law for adjudication/compounding.

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

(K.R. Mohapatra)
Judge