

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19300 of 2021

Debasis Sarangi.

....

Petitioner

-versus-

Transport Commissioner, Odisha & others.

....

Opposite parties

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
06.05.2022**

**Order
No.**

09.

1. This matter is taken up through Hybrid mode.
2. Heard the learned counsel for the parties.
3. As it appears, the petitioner had earlier approached this Court in W.P.(C) No.11592 of 2020 for grant of permit and this Court while disposing of the said writ petition vide order dated 04.05.2020 observed as follows:-

“Considering the contentions raised by learned counsel for the parties, after going through the records and without expressing any opinion on the merits of the case, liberty is granted to the petitioner to make an application through online basis as per OPMS mode before the authority. In the event the petitioner applies through online basis, the opposite parties shall do well and pass appropriate order granting permit as expeditiously as possible preferably within a period of seven (7) days from the date of communication/production of authenticated / certified copy of this order.”

4. However, on receipt of the aforesaid order, the R.T.O., Cuttack invited objection and suggestion with regard to grant of permit to the petitioner and considering the same, placed a note before the Collector, Cuttack who happens to be the Chairman of the RTA and taking note of the same, the R.T.A., Cuttack refused to grant permit to the petitioner. It is the case of the petitioner that the aforesaid cannot be said to be the order of the R.T.A. which comprises of the RTO, who is the Secretary of the R.T.A. and the Collector of the District concerned to be the Chairman. Therefore, the impugned order is unsustainable and liable to be quashed.

5. Learned counsel appearing for the Transport Department though does not dispute the same, but submits that the petitioner is entitled to a chance of hearing along with the Objectors and thereafter necessary order is required to be passed by the R.T.A., Cuttack.

6. Learned counsel appearing for the opposite party no.6 submits that the opposite party no.6 being one of the objectors and permit granted to him having been renewed, the petitioner has no case.

7. Be that as it may, without expressing any opinion on the merit of the contention of either of the parties, since no chance of hearing was given to the petitioner while disposing of

his prayer made for grant of permit, to which he is entitled to, this Court while setting aside the impugned order, remits the matter back to the R.T.A. concerned to give a chance of hearing to the petitioner and opposite party nos.6 and 7 who are the objectors and take an informed and considered decision on the same and also intimate the same to the petitioner. However, the entire exercise shall be completed not later than two months from the date of receipt of the certified copy of this order.

8. Needless to say that interference of this Court in the impugned order of the Collector-cum-Chairman, RTA, Cuttack shall not be construed as an expression of any opinion on the merit of the application filed in any manner. Therefore, the Collector-cum-Chairman, RTA, Cuttack is at liberty to decide the matter on its own merit, but by giving an opportunity of hearing to the petitioner as well as the opposite party nos.6 and 7 and putting notice on the persons who had objected the application earlier. It is further made clear that in spite of the opportunities given, if any of the parties noticed did not appear and avail of the opportunity of hearing given, then it should be presumed that he has nothing to say in the matter and the Collector-cum-Chairman, RTA, Cuttack, as such, should not await further for their appearance and personal hearing for disposal of the case and decide the prayer of the petitioner in accordance with law.

9. With the aforesaid order, this writ petition stands disposed of.

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

(S. Pujahari)
Judge

MRS

