

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 16027 of 2022

Goutam Barik

.....

Petitioner

Mr.Rohit Mahato, Advocate

-versus-

Collector, Jajpur and another

....

Opp. Parties

Mr. Ajodhya Ranjan Dash,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

28.07.2022

Order No.

- 4.
1. This matter is taken up through Hybrid mode.
 2. Petitioner in this writ petition prays for a direction for release of his vehicle bearing registration No.OD-22-A-6825 (Pickup Van), which has been seized in connection with Misc. (EC) Case No.1 of 2021 pending before Collector, Jajpur.
 3. It is submitted by Mr. Mahato, learned counsel for the Petitioner that earlier the Petitioner had moved this Court in W.P.(C) No.31044 of 2021 for release of the aforesaid vehicle. The writ petition was disposed of on 7th October, 2021 with a direction to the Collector, Jajpur-Opposite Party No.1 to consider the application for release of the aforesaid vehicle in accordance with law giving opportunity of hearing to the parties concerned, as expeditiously as possible, preferably within a period of three weeks from the date of production of certified copy of the said order. It is submitted that in spite of said direction, the application of the Petitioner has not yet been disposed of. Hence, the present writ petition has been filed.

4. Mr. Dash, learned AGA submits that without delving into merit of the contention raised by learned counsel for the Petitioner, since the vehicle in question is under seizure for more than one year, this Court may consider the prayer of the Petitioner for release of the aforesaid vehicle without remitting the matter back to the Collector, Jajpur.

5. Mr. Mahato, learned counsel for the Petitioner submits that as per the valuation report dated 2nd June, 2022 (Annexure-5) of Inspector of Motor Vehicles, Jajpur, the value of the vehicle bearing registration OD-22-A-6825 (Pickup Van) would be Rs.1,04,000/- only.

6. In view of such submissions made by learned counsel for the parties and keeping in mind that the vehicle in question is lying under seizure for more than one year being exposed to the vagaries of nature, directs release of the Pickup Van bearing registration No. OD-22-A-6825 in connection with Misc. Misc. (EC) Case No.1 of 2021 pending before Collector, Jajpur on furnishing cash surety of Rs.1,10,000/- (rupees one lakh ten thousand only) to the satisfaction of Collector, Jajpur.

7. With the aforesaid observation and direction, the writ petition is disposed of.

Issue urgent certified copy of the order on proper application

(K.R. Mohapatra)
Judge