

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 17549 OF 2022

Sanjay Singh

Petitioner

Mr. Dharendra 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

19.07.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to quash the Vehicle Checking Report (VCR) and the notice issued under Section 17(2) of the Orissa Motor Vehicles Taxation Act, 1975 (for short 'the Act') and Rule 21 of the Orissa Motor Vehicles Taxation Rules, 1975 (for short 'the Rules') in respect of the vehicle bearing Registration No. OD-16-A-3072 (Tipper).
3. Mr. Mohapatra, learned counsel for the Petitioner submits that for non-payment of tax amount in respect of the aforesaid vehicle, VCR has been issued for an amount of Rs.1,57,500/-, which includes arrear tax amount for the period from 1st April, 2021 to 30th April, 2022 as well as penalty amount thereon. Due to non-payment of the aforesaid tax amount, the vehicle has been seized and kept in the premises of Sadar P.S. Jaharusuguda. It is his submission that the Petitioner is ready and willing to pay the tax amount and to file an appeal assailing the penalty amount. He, therefore, submits that on payment of tax amount, the vehicle may be released permitting

the Petitioner to file an appeal against the penalty amount and to contest the case with regard to other irregularities.

4. Mr. Behera, learned Standing Counsel for the Transport Department submits that due to non-payment of tax amount along with other irregularities, the vehicle has been detained under Section 17(2) of the Act and kept in the premises of Sadar P.S. Jaharsuguda. Hence, the Petitioner has to appear before the Regional Transport Officer, Jharsuguda-Opposite Party No.4 for redressal of his grievances.

5. 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 deposits the tax amount for the period from 1st April, 2021 to 30th April, 2022 in respect of the vehicle bearing Registration No. OD-16-A-3072 (Tipper) within a period of two weeks hence with the Taxing Officer, Jharsuguda along with the certified copy of this order and gives an undertaking that he will file an appeal assailing the penalty amount, the Regional Transport Officer, Jharsuguda-Opposite Party No.4 shall do well to issue release order in respect of the aforesaid vehicle. The Petitioner shall also agitate his grievance with regard to other irregularities in respect of the aforesaid vehicle before the Regional Transport Officer, Jharsuguda-Opposite Party No.4. On production of the release order, the vehicle shall be released forthwith by I.I.C, Sadar P.S., Jharsuguda.

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

(K.R. Mohapatra)
Judge

bks