

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 21560 OF 2022

Bishnudev Ray ***Petitioner***
Mr. Ashok Kumr Rout, Advocate
-versus-
Transport Commissioner-cum- Chairman, STA, Odisha, Cuttack and others ***Opp. Parties***
Mr. Pravakar Behera, Standing Counsel
(For Transport Department)

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
30.08.2022

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to send the Challan/VCR dated 27th July, 2022 in respect of the vehicle bearing Registration No.OR-09-K-9286 (Truck) to the jurisdictional Magistrate for appropriate relief. He also prays for a direction to the Regional Transport Officer, Sundargarh to consider his case for issuance of fitness certificate and permit.
3. Mr. Behera, learned Standing Counsel for Transport Department submits that earlier the Petitioner had approached this Court in W.P.(C) No. 17245 of 2022 , which was disposed of on 18th July, 2022 with a direction to the Petitioner to pay arrear tax in respect of the vehicle Registration No.OR-09-K-9286 (Truck) within a period of four weeks and to file an appeal assailing the amount of penalty. The Petitioner did not comply with the said order for which e-challan under Annexure-2 has

been issued. The e-challan amount is Rs.1,43,690/-, out of which the Petitioner has already paid the tax amount of Rs.33,250/-. Hence, the Petitioner is liable to pay the rest amount. He further submits that in view of Section 194 of the Motor Vehicles Act, 1988 (for short 'the Act'), the Petitioner is required to appear before the Authority, who has issued the e-Challan and pray for transmission of the record to the jurisdictional Magistrate, if he wants to contest the case. The Petitioner has neither appeared before the authority as yet nor has made such prayer. Since the Challan/VCR amount is Rs.1,43,690/- and the Petitioner has deposited the aforesaid tax amount, he has to deposit the rest amount of MV Tax dues as on date along with 50% of the balance VCR amount and contest the case before the jurisdictional Magistrate. He also submits that the Petitioner is required to produce the driving license in original of the driver of the offending vehicle for taking appropriate action.

4. Taking into consideration the submissions of learned counsel for the parties, this Court directs that without prejudice to the case of either parties, in the event the Petitioner deposits the entire MV Tax amount, if any, pending and 50% of the balance VCR amount before the R.T.O., Sundargarh-Opposite Party No.3 along with driving license of the driver of the offending vehicle, the vehicle bearing Registration No.OR-09-K-9286 (Truck) shall be released and the Challan/VCR shall be transmitted to the jurisdictional Magistrate for adjudication in accordance with law. It is made clear that such deposit if made,

as directed above, shall be subject to the result of the adjudication to be made by the jurisdictional Magistrate.

5. So far as issuance of fitness certificate and permit is concerned, the Petitioner may apply for the same to the R.T.O., Sundargarh-Opposite Party No.3 by filing necessary application, which shall be considered in accordance with law.

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

7. A copy of the writ petition along with a copy of this order shall be served on Mr. Behera, learned Standing Counsel for Transport Department for onward communication to the Opposite Parties.

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

(K.R. Mohapatra)
Judge

bks