

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 28411 OF 2022

Biplab Samantray

....

Petitioner

Mr. Braja Mohan Sarangi, Advocate

-versus-

R.T.O., Cuttack

....

Opp. Party

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

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

01.11.2022

Order No.

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 7th March, 2022 in respect of the vehicle bearing Registration No.OD-02-AA-7065 (Trailer) to the jurisdictional Magistrate for appropriate relief. He further prays for a direction to the Regional Transport Officer, Cuttack to consider his case for issuance of fitness certificate and permit.
3. Mr. Behera, learned Standing Counsel for Transport Department submits that the driver of the offending vehicle was talking in a mobile phone while driving the vehicle. Hence, e-challan has been made imposing a fine of Rs.5,000/-. Hence, the Petitioner is required to appear before the Authority, who has issued the VCR and pray for transmission of the record to the jurisdictional Magistrate, if he wants to contest the case. The Petitioner has not yet appeared before the authority and made such prayer. Since the Challan/VCR amount is Rs.5,000/-, the

Petitioner may be directed to deposit the entire amount and contest the case before the jurisdictional Magistrate.

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 a sum of Rs.5.000/- (Rupees five thousand only) before the R.T.O., Cuttack-Opposite Party and makes an application to transmit the challan to the jurisdictional Magistrate, 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., Cuttack-Opposite Party by filing necessary application, which shall be considered in accordance with law.

6. With the aforesaid observation and direction, the 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 Party.

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

bks

(K.R. Mohapatra)
Judge