

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34336 of 2020

S.S. Ananth

....

Petitioner

-versus-

***Regional Transport Officer,
Ganjam, Chhatrapur, Dist.-
Ganjam, Odisha***

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

17.02.2022

Order

No.

07.

1. This matter is taken up through hybrid mode.
2. This writ petition has been filed by the Petitioner seeking a direction to the Opposite Party not to insist the Petitioner for production of his Driving License to endorse the same for suspension, but to confine the penalty limited to imposition of fine only for violation of Section 112 of the M.V. Act, i.e., for driving the vehicle beyond the speed limit permissible.
3. It appears that a challan was issued to the Petitioner for commission of offence under Section 183 of the M.V. Act for driving the vehicle in violation of Section 112 of M.V. Act. The

Petitioner for such violation has been imposed with fine of Rs.2,000/- and also directed to produce the Driving License for endorsement of suspension of the same for three months.

4. However, Mr. P. Behera, learned Standing Counsel appearing for the Transport Department would submit that besides the fine imposed, the Driving License of the Petitioner is also required to be produced for suspension in view of the mandate of the Apex Court to take stringent measure for such violation, basing on which, the penalty has imposed and he has been directed to produce the Driving License. In such premises, when the violation of Section 112 of the M.V. Act is admitted, the prayer made in this writ petition not to insist production of Driving License for endorsement of suspension is without any substance.

5. Petitioner though does not dispute that he was driving the vehicle in violation of Section 112 of the M.V. Act. But, learned counsel for the Petitioner submits that the Petitioner is ready and willing to pay the fine imposed, but he should not be insisted to produce his Driving License for endorsement as he

is staying at Chennai and the same is not possible. As such, he has prayed for necessary direction may be issued to the Opposite Party in this regard not to seek production of the Driving License for endorsement of suspension.

6. Since the Petitioner has committed the offence, he is liable for punishment, this Court in a writ petition cannot issue mandamus not to take the steps for suspension of the License for such violation and production of the same for endorsement.

7. Hence, the writ petition is devoid of merit.

8. But, at this stage, it is submitted that the Petitioner that he being unable to come from Chennai, it be directed that the Petitioner shall e-mail a copy of his Driving License to the Opposite Party and deposit the fine.

9. Mr. P. Behera, learned Standing Counsel appearing for the Transport Department would submits that would suffice to do the needful, but the Petitioner, if directed must produce the license before the authority issuing the same.

10. Considering the same, this writ petition is disposed of giving liberty to the Petitioner to comply with the order in the manner submitted and also comply with such further direction as given by the Opposite Party to give effect to the order impugned, this writ petition stands disposed of.

(S. Pujahari)
Judge

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