

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 30309 OF 2022

Susim Kanti Mohanty* *Petitioner

Mr. Lalit Kumar Maharana, Advocate

-versus-

State of Odisha and another* *Opp. Parties

Mr. A.R. Dash,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

14.11.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to send the e-Challan/VCR dated 4th November, 2022 (Annexure-2) to the competent Court of law for adjudication under the provisions of Motor Vehicles Act, 1988 and for ancillary relief.
3. In course of hearing, Mr. Maharana, learned counsel for the Petitioner submits that the Petitioner was issued with notice to show cause vide letter dated 8th June, 2022 by the State Transport Authority, Odisha, Cuttack. In the said notice, the Petitioner is required to submit his reply by 24th June, 2022. However, referring to the tracking report, he submits that the said notice was dispatched on 26th June, 2022 vide registered post, which reached the Petitioner on 28th June, 2022, i.e. after the due date for filing of the reply. Subsequently, pursuant to the direction of this Court in W.P.(C) No.23662 of 2022, the Transport Commissioner-cum-State Transport Authority,

Odisha, Cuttack vide his letter dated 19th October, 2022 issued notice to the Petitioner to file his reply by 20th October, 2022, but referring to the tracking report, Mr. Moharana, learned counsel for the Petitioner submits that said notice was dispatched only on 20th October, 2022, which was delivered to the Petitioner on 25th October, 2022. As such, the Petitioner could not file his reply. Hence, this writ petition has been filed for a direction to the authority to accept the reply of the Petitioner and send the e-Challan under Annexure-2 to the competent Court for adjudication.

4. Mr. Behera, learned Standing Counsel for Transport Department submits that although it appears that show cause notices were delivered to the Petitioner after the due date of filing of the reply, but the Petitioner has never approached the authority to accept the reply by taking the grounds raised in this writ petition. Thus, it appears that the Petitioner is not interested to cooperate with the authority for disposal of his case.

5. Taking into consideration the rival contentions of the parties, this Court disposes of this writ petition with a direction that if the Petitioner files his show cause reply to the notice dated 26th September, 2022 (Annexure-4 series) within a period of seven days hence along with certified copy of this order, the same shall be accepted and steps as deem just and proper shall be taken giving opportunity of hearing to the Petitioner. It is further directed that on payment of 50% of e-Challan amount, i.e. Rs.5,250/- (Rupees five thousand two hundred and fifty only) along with an application to refer the matter to the

competent authority, the vehicle of the Petitioner shall be released in his favour and the Challan/VCR shall be sent to the jurisdictional Magistrate forthwith for adjudication in accordance with law.

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

(K.R. Mohapatra)
Judge

bks

