

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 30402 of 2022

Arup Kumar Das

....

Petitioner

Mr. A. Ch. Behera, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Pravakar Behera,

Standing Counsel for Transport

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

15.11.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition prays for a direction to send the Challan/VCR dated 27th October, 2020 and 22nd January, 2022 in respect of the vehicle bearing registration No.OD-11-M-7200 (Bus) to the jurisdictional Magistrate for appropriate relief. He further prays for a direction to the State Transport Authority, Cuttack to consider his case for issuance of fitness certificate and permit.
3. Mr. Behera, learned Standing Counsel for Transport Department submits that in view of the provisions under the Motor Vehicles Act, 1988, 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 it wants to contest the case. The Petitioner has not yet appeared before the authority and made such prayer. Since the Challans/VCRs amount are Rs.10,500/- and Rs.4,000/- respectively, the Petitioner may be directed to deposit 50% of the same 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.5,250/- (rupees five thousand two hundred fifty only) in respect of VCR/Challan No. 27th October, 2020 and Rs.2,000/- (rupees two thousand only) in respect of VCR/Challan dated 22nd January, 2022 before the State Transport Authority and on deposit being made, the Challans/VCRs shall be transmitted to the jurisdictional Magistrate for adjudication in accordance with law and the aforesaid vehicle shall be released. 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 State Transport Authority 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 Parties.

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

(K.R. Mohapatra)
Judge

s.s.satapathy