

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31562 of 2022

Sanjukta Jena

..... Petitioner

Mr.Santosh Kumar Mohanty, Advocate

-versus-

***Commissioner-cum-Chairman, STA,
Cuttack and another***

.... Opp. Parties

Mr. Pravakar Behera,
Standing Counsel for Transport

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

29.11.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. This writ petition has been filed for a direction to the Secretary, State Transport Authority, Odisha, Cuttack-Opposite Party No.2 to consider the application of the Petitioner for replacement of the vehicle in respect of permit under Annexure-1.
3. Mr. Mohanty, learned counsel for the Petitioner submits that the permit in respect of vehicle bearing registration No. OR-05-A-8274 was issued in favour of mother-in-law of the Petitioner. Since the vehicle has become pretty old, Petitioner being the legal heir of her mother-in-law wants to replace the said vehicle and issue permit in respect of vehicle bearing registration No.OR-05-AD-0721. The Petitioner had approached this Court in W.P.(C) No.16048 of 2022, which was disposed of vide order dated 6th July, 2022 as withdrawn stating that she would approach the authority for redressal of her grievance. Accordingly, Petitioner filed an application under Annexure-7

for replacement of the vehicle in respect of permit under Annexure-1, which is pending 25th Marcy, 2022 for consideration. Hence, the writ petition has been filed.

4. Mr. Behera, learned Standing Counsel for the Transport Department submits that Annexure-3, the legal heir certificate issued in respect of late Tilottama Jena, the original permit-holder, discloses that she (Tilottama Jena) died on 16th August, 2013 and the permit was issued on 5th June, 2014, i.e., after her death. The permit was valid up to 5th June, 2019. Thus, in the instant case, question of replacement of vehicle does not arise at all, as the permit of the vehicle in question does not exist. Hence, he prays for dismissal of the writ petition.

5. Considering the rival contentions of the parties and on perusal of record, submission of Mr. Behera, learned Standing Counsel for Transport seems to be correct. The permit was somehow issued in favour of a dead person and said permit has in the meantime spent its force. Hence, prayer of the Petitioner cannot be granted.

6. Accordingly, the writ petition stands dismissed being devoid of any merit.

(K.R. Mohapatra)
Judge