

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 33004 OF 2022

Nitesh Kumar Patel

....

Petitioner

Mr. Abhaya Kumar Behera, Advocate

-versus-

State of Odisha and another

....

Opp. Party

Mr. Pravakar Behera, Standing Counsel

(For Transport Department)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.12.2022

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 Challans/VCRs dated 15th November, 2022, 16th November, 2022 and 17th November, 2022 in respect of the vehicle bearing Registration No.OD-14-V-0207 to the jurisdictional Magistrate for appropriate relief. He further prays for a direction to the Addl. Commissioner (Enforcement), S.T.A., Odisha, 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 violation of the provisions of the Motor Vehicles Act, 1988, the Petitioner is required to appear before the Authority, who has issued the VCRs 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 Challans/VCR amount are Rs.25,000/- (Rs.5,000/- + Rs.10,000/- + Rs.10,000/-), 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.12,500/- (Rupees twelve thousand five hundred only) before the Additional Commissioner (Enforcement), S.T.A., Odisha, Cuttack-Opposite Party No.2, the Challans/VCRs shall be transmitted to the jurisdictional Magistrate for adjudication in accordance with law, if not already transmitted. 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 Additional Commissioner (Enforcement), S.T.A., Odisha, Cuttack-Opposite Party No.2 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