

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33343 OF 2022

Subham Pankaj Samantaray ***Petitioner***
Mr. Rohit Ranjan Ray, Advocate

-versus-

Transport Commissioner-cum- Chairman, STA, Odisha and another ***Opp. Parties***

Mr. Pravakar Behera,
Standing Counsel
(For Transport Department)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
20.12.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Regional Transport Officer, Bhubaneswar-II-Opposite Party No.2 to consider his case in suspending his Driving License and to give him an opportunity of hearing permitting him to inspect the relevant records.
3. On perusal of the case record, it appears that the Driving License of the Petitioner was suspended from 15th August, 2022 to 14th November, 2022 on the report of the IIC, Traffic PS-II, Bhubaneswar UPD for driving the motor cycle without wearing helmet.
4. Mr. Ray, learned counsel for the Petitioner submits that while suspending the Driving License of the Petitioner, provisions under Section 19(1) A of the Amended Motor Vehicle Act, 2019 was not followed. As such, the Petitioner had

no occasion to know about suspension of his Driving License. It is only after receiving information under the provision of Right to Information Act, 2005 (for short 'the Act') on 7th November, 2011, he came to know about suspension of his Driving License. It is his submission that if the Driving License of the Petitioner is suspended for the second occasion, the same may be cancelled. Hence, the case of the Petitioner be reconsidered providing him an opportunity of hearing.

5. Mr. Behera, learned Standing Counsel for the Transport Department submits that the Petitioner had knowledge of suspension of his Driving License prior to receiving information under the Act, which is apparent from his representation under Annexure-4, which was submitted on 18th October, 2022. Further the period of suspension being over, the writ petition has become academic. He, therefore, prays for dismissal of the writ petition.

6. Considering the rival contentions of the parties, it is apparent that the Driving License of the Petitioner was suspended for a period from 15th August, 2022 to 14th November, 2022. The writ petition was filed on 6th December, 2022 i.e. after the period of suspension was over. Materials on record disclose that the Petitioner had knowledge of suspension of his Driving License since 18th October, 2022, when he submitted the representation before the Regional Transport Officer, Bhubaneswar-II-Opposite Party No.1. As the writ petition has been filed after the period of suspension is over, the contention made by learned counsel for the Petitioner has

become academic. Hence, the prayer made in this writ petition cannot be granted.

7. Accordingly, this writ petition is disposed of with an observation that the Petitioner, if so advised, may work out his remedy in accordance with law.

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

(K.R. Mohapatra)
Judge

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