

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 33617 OF 2022

Bijay Kumar Pradhan

....

Petitioner

Mr. Debabrata Das, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

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

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

15.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the R.T.O, Bhubaneswar-I to release his vehicle bearing Registration No.OD-33-AH-0095 (Bus), which was being used in alleged violation of the permit condition and also to send the e-Challan/VCR dated 26th November, 2022 to the jurisdictional Magistrate in respect of the aforesaid vehicle.
3. Mr. Das, learned counsel for the Petitioner submits that in that regard, the Petitioner has filed an application under Section 207 (2) of the Motor Vehicles Act, 1988 (for short 'the Act') for appropriate relief, which is pending before the State Transport Authority, Odisha, Cuttack-Opposite Party No.1. He, therefore, prays for a direction for early disposal of the said application and to release the vehicle of the Petitioner.

3.1 Mr. Das, learned counsel submits that the Petitioner is ready to pay 50% of the e-Challan/VCR amount and in that event, the vehicle in question may be released in his favor and the VCR may be transmitted to the concerned jurisdictional Magistrate forthwith so that he will get an opportunity to defend his case.

4. Mr. Behera, learned Standing Counsel for Transport Department submits that if an application under Section 207 (2) of the Act is pending before the State Transport Authority, Odisha, Cuttack-Opposite Party No.1, a decision in that regard may be directed to be taken.

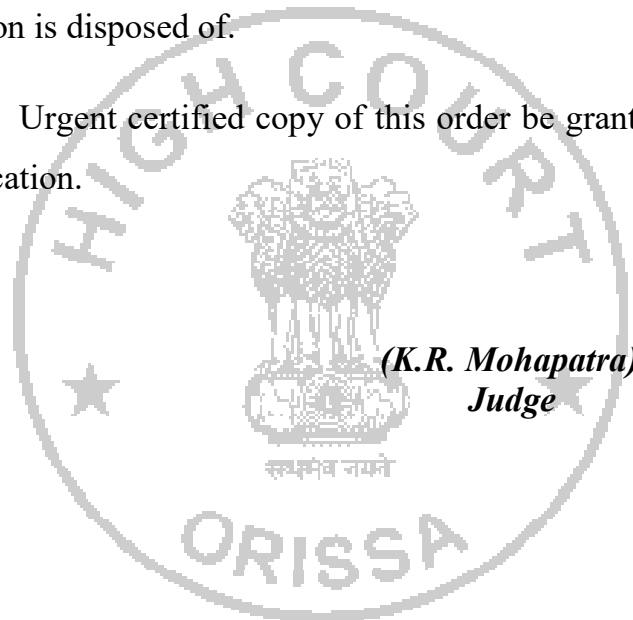
5. It is, therefore, directed that the Opposite Party No.1 shall do well to consider and dispose of the application of the Petitioner filed under Section 207(2) of the Act giving opportunity of hearing to the parties concerned.

6. It is at this stage, a submission is made that the Transport Commissioner is in charge of multiple posts and is not holding Court regularly. Hence, the petition under Section 207(2) of the Act may not be disposed of early. In view of the above, it is directed that in the event, the Petitioner deposits a sum of Rs.5,000/- (Rupees five thousand only) before the R.T.O. I, Bhubaneswar-Opposite Party No.3, without prejudice to either parties and makes an application to send the e-Challan/VCR under Annexure-2 to the jurisdictional Magistrate, the vehicle bearing Registration No.OD-33-AH-0095 (Bus) shall be released in favour of the Petitioner and the

e-Challan/VCR shall be transmitted forthwith to the jurisdictional Magistrate for adjudication in accordance with law. It is made clear that the deposit, as aforesaid, if made shall be subject to the final adjudication to be done by the jurisdictional Magistrate. This order is subject to the final order to be passed by the Opposite Party No.1 on the petition under Section 207(2) of the Act.

7. With the aforesaid observation and direction, this writ petition is disposed of.

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



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