

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 34396 OF 2022

Pabitra Das

....

Petitioner

Mr. Bidesh Ranjan Behera, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

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

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

21.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a declaration that he is not liable to pay M.V. tax and penalty in respect of the vehicle bearing Registration No.OD-07-K-8108 for the period from 1st July, 2020 onwards as it was under the possession of Financer. The Petitioner also assails the proclamation of sale dated 13th September, 2022 in respect of the said vehicle and prays for quashing of the demand notices dated 21st October, 2020 and 11th April, 2022 (Annexures-3 & 5) respectively.
3. In course of hearing, Mr. Behera, learned counsel for the Petitioner submits that since the matter in controversy requires factual adjudication, the proper remedy for the Petitioner is to file an appeal under Section 78 of Schedule-II of the Orissa Motor Vehicles Taxation Act, 1975.
4. In view of such submission, this writ petition is disposed of with an observation that the Petitioner, if so advised, may

avail the statutory remedy for redressal of his grievances made in this writ petition.

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

(K.R. Mohapatra)
Judge

bks

