

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.40526 of 2021

Pratap Kumar Swain

....

Petitioner

-versus-

State of Odisha & others

....

Opposite Parties

CORAM:

THE JUSTICE S.PUJAHARI

ORDER

05.01.2022

Order

No.

01.

1. This matter is taken up through Hybrid mode.

2. Mr. Pravakar Behera, learned counsel for the Transport Department, submits that copy of the writ petition has not been served on him but he has no objection for disposal of the same with a direction to serve a copy of the writ petition.

3. In view of such concession of Mr. Behera, learned Standing Counsel for the Transport, this case is taken up for final disposal at the stage of admission with a direction to serve a copy of the writ petition with annexures on Mr. Behera, learned Standing Counsel for the Transport.

4. Heard learned counsel for the Petitioner and Mr. Behera, learned counsel for the Transport Department.

5. The grievance of the Petitioner is that he has been imposed penalty without giving him any show cause notice and the opposite party did not accept the M.V. Tax.

6. Considering the limited grievance of the Petitioner, so also in view of the settled position of law that penalty cannot be imposed without giving any show cause notice, decided in the case of **Sujit Kumar Dhir and others vrs. Regional Transport Office, Keonjhar and others**, reported in 2014 (II) OLR 1070, this Court directs the opposite party to accept the M.V. Tax from the Petitioner. But, so far as the imposition of penalty is concerned, the opposite party shall ask the Petitioner for a show cause and after filing such show cause, the same shall be disposed of in the manner known to law with regard to the liability of penalty to be imposed on the Petitioner.

7. With the aforesaid order, this Writ Petition stands disposed of.

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

(S. Pujahari)
Judge