

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 35437 OF 2022

Siba Prasad Das

....

Petitioner

Mr. Sitansu Mohan Singh, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.12.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to release his vehicle bearing Registration No. OD-02-AV-0787 (Truck), which has been seized for non-payment of outstanding M.V. tax with effect from 1st January, 2022 till 31st December, 2022.
3. Mr. Singh, learned counsel for the Petitioner submits that due to non-payment of MV Tax to the tune of Rs.1,38,000/, the Petitioner was served with e-Challan under Annexure-2 under Section 17(2) of the Odisha Motor Vehicles Taxation Act, 1975. It is his submission that the Petitioner is ready and willing to pay up-to-date M.V. Tax in respect of the aforesaid vehicle and furnish an undertaking to the effect that he will file an

appeal challenging imposition of penalty. Hence, he prays that the vehicle may be released in his favour.

4. Mr. Behera, learned Standing Counsel for Transport Department submits that the e-Challan under Annexure-2 does not disclose as to what is the penalty amount in respect of the vehicle of the Petitioner. He, however, submits that the Petitioner may approach the concerned Taxing Officer for redressal of his grievances.

5. In view of the submissions made by learned counsel for the parties, this Court disposes of this writ petition with a direction that in the event the Petitioner appears before the Taxing Officer and deposits up-to-date M.V. Tax in respect of the vehicle bearing Registration No. OD-02-AV-0787 (Truck) within a period of four weeks hence and furnishes an undertaking to file an appeal under Section 13(2) of the Act so far as penalty is concerned, the aforesaid vehicle shall be released in his favour observing the formalities.

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

(K.R. Mohapatra)

Judge

bks