IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35169 of 2026

CNR No.ODHC010836642026

Kanishka Jena .... ***Petitioner***

Mr. S.M. Singh, Advocate

-versus-

The Transport Commissioner-Cum-Chairman, State Transport Authority, Orissa, Cuttack and Another .... ***Opp. Parties***

Mr. P. Behera, Standing Counsel (Transport)

CORAM:
THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

Order No. **09.11.2026**

01. 1. Heard learned counsel for the Parties.

2. The grievance of the Petitioner is that despite submission of an application seeking cancellation of the Certificate of Registration of the vehicle in question, the competent registering authority has not taken a decision thereon. The Petitioner, therefore seeks a direction to the said authority to accept the motor vehicle tax for the period concerned and consider his application for cancellation of the Certificate of Registration.

3. Having regard to the nature of the grievance and the communication issued by the Transport Commissioner-cum-Chairman, State Transport Authority, Odisha, Cuttack, clarifying that pendency of arrear dues shall not, by itself, constitute an

impediment to cancellation of registration under Section 55 of the Motor Vehicles Act, 1988, this Court is of the considered view that the matter can be appropriately addressed by the competent authority.

4. Accordingly, without expressing any opinion on the merit of the case, the writ petition is disposed of with a direction to the Opposite Party No.2-Regional Transport Officer, Chandikhole, to accept the motor vehicle tax as legally payable in respect of the vehicle in question, and thereafter proceed to consider the application dated 12.08.2026 (Annexure-2) submitted by the Petitioner seeking cancellation of the Certificate of Registration.

5. It is clarified that mere pendency of arrear dues shall not, by itself, be treated as a ground to decline consideration of the application for cancellation of registration. Needless to state, any outstanding dues shall remain recoverable by the competent authority in accordance with law.

6. The Opposite Party No.2 shall consider the said application in the light of the provisions contained in Section 55 of the Motor Vehicles Act, 1988, and the communication dated 11.12.2020 issued by the Transport Commissioner-cum-Chairman, State Transport Authority, Odisha, Cuttack, and pass a reasoned order in accordance with law. While doing so, the authority shall duly verify whether the statutory requirements for cancellation of registration are fulfilled and shall not treat the mere pendency of dues as an impediment to such consideration, in view of the aforesaid communication. Any outstanding dues shall, however, remain recoverable in accordance with law.

7. The entire exercise shall be completed as expeditiously as possible, preferably within a period of four (04) weeks from the date of this order.

8. The writ petition is accordingly disposed of.

(Chittaranjan Dash)
Judge

Sarbani

Signature Not Verified

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Signed by: SARBANI DASH
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 11-Nov-2026 13:21:47