



IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.36409 of 2025 & W.P.(C) No.1952, 1959, 2160,
2254, 2679, 2682, 2765, 3760, 4162, 4178 of 2026**

(An application under Articles 226 & 227 of the Constitution of India)

In W.P.(C) No.36409 of 2025

Ashok Kumar Swain

....

Petitioner

Mr. A.K. Pandey, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. U.R.Jena, AGA

Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.1952 of 2026

Tushar Sahoo

....

Petitioner

Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. U.R.Jena, AGA

Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.1959 of 2026

Ramakanta Barik

....

Petitioner

Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. U.R.Jena, AGA

Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.2160 of 2026

Sagar Sahoo

....

Petitioner

Mr. A.K. Pandey , Advocate

-versus-



State of Odisha and others

.... *Opposite Parties*

Mr. U.R.Jena, AGA

Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.2254 of 2026

Debaprasad Samantray

.... *Petitioner*

Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... *Opposite Parties*

Mr. U.R.Jena, AGA

Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.2679 of 2026

Dillip Kumar Khatua

.... *Petitioner*

Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... *Opposite Parties*

Mr. U.R.Jena, AGA

Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.2682 of 2026

Dipak Kumar Samantray

.... *Petitioner*

Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... *Opposite Parties*

Mr. U.R.Jena, AGA

Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.2765 of 2026

*Subhadarshini Enterprises,
Jagatsinghpur*

.... *Petitioner*

Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... *Opposite Parties*



Mr. U.R.Jena, AGA
Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.3760 of 2026
Manabhanjan Malla

.... ***Petitioner***
Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. U.R.Jena, AGA
Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.4162 of 2026
Sobharani Sutar

.... ***Petitioner***
Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. U.R.Jena, AGA
Mr. P.Behera, Advocate for Transport Authorities

In W.P.(C) No.4178 of 2026
Debendra Kumar Panda

.... ***Petitioner***
Mr. A.K. Pandey , Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. U.R.Jena, AGA
Mr. P.Behera, Advocate for Transport Authorities

Advocate(s) appeared in these cases:-

For Petitioners	:	Mr. A.K.Pandey, Advocate
For Opposite Parties	:	Mr. U.R.Jena, AGA Mr. P.Behera, Advocate (for Transport Authorities)



CORAM : JUSTICE B.P. ROUTRAY

JUDGMENT

24th March 2026

B.P. Routray, J.

1. Heard Mr. A.K.Pandey, learned counsel for the Petitioners, Mr. P.Behera, learned counsel for Transport Authorities and Mr. U.R.Jena, learned AGA for State-Opposite Parties.

2. All the Petitioners are the owners of different vehicles, i.e. Hyva bearing respective registration numbers. The common case of the Petitioners is that the registration certificate of those vehicles have been suspended till 31st March 2026 in exercise in the power under Section 53(1)(b) of the Motor Vehicles Act, 1998.

3. Mr. Pandey, learned counsel for the Petitioners submit that the allegations levelled against the vehicles are that they all were transporting illegal sand from Kilipal Sairat Source in the District of Jagatsinghpur. As such, Tirtol P.S. Case No.0605 has been registered alleging commission of offences under Section 51(1) of the Odisha Minor Mineral Concession Rules, 2016, Section 12 of the Odisha Minerals



(Prevention of Theft Smuggling and Other Unlawful Activities) Act, 1988, Section 303(2)/ 317(2)/ 112/ 326(b)/ 3(5) of BNS and Section 31(A)/ 33(A) of the AIR (Prevention and Control of Pollution) Act, 1981. In total 46 numbers of Hyva vehicles and three excavators were seized by a joint team of Police, Mining and Transport authorities. Mr. Pandey, further submits that the suspension of registration certificate in terms of Section 53 of the M.V.Act is not attracted in the present case since all the vehicles are having valid permit on the date of their seizure, i.e. on 27th November 2025.

4. The Transport Authorities have filed their counter in all the cases taking the common stand that all such vehicles were seized on 27th November 2025 and their registration certificates have been suspended in exercise of the power under Section 53 (1)(b) of the M.V.Act.

5. Mr. Behera, learned counsel for Transport Authorities submits that as the FIR has been lodged alleging commission of such offences against the vehicles, the suspension of their registration certificate cannot be considered as violative of the powers conferred on the



Registering Authority in that respect. He further submits that the unauthorized use of the vehicles in transporting illegal sand empowers the authority to proceed for suspension of their certificate by exercising the power under Section 53 of the M.V.Act read with the Rules. He further submits that the order under Section 53 passed by the Registering Authority is appealable as per Section 57 of the M.V.Act.

6. Keeping the nature of dispute as common in all the writ petitions, it appears that all the vehicles were having their valid permit on the date of their seizure, i.e. on 27th November 2025. There cannot be any dispute to such facts. As per the counter affidavit filed by Regional Transport Officer, since the vehicles were indulged in carrying goods in contravention of the provision of Section 53(1)(b) of the Motor Vehicles Act, 1988, their registration certificates have been suspended after considering the representation submitted in respect of each owner. It is seen from the averments made in the counter affidavit that the direction for suspension of registration certificate of the vehicles has been exercised as per the power conferred on the authority under Section 53 of the Motor Vehicles Act. It is important here to reproduce the Section 53



of the M.V.Act, which reads as follows:-

53. Suspension of registration- (1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction-

(a) is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of this Act or of the rules made thereunder, or

(b) has been, or is being, used for hire or reward without a valid permit for being used as such,

the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), for reasons to be recorded in writing, suspend the certificate of registration of the vehicle-

(i) in any case falling under Clause (a), until the defects are rectified to its satisfaction; and

(ii) in any case falling under Clause (b), for a period not exceeding four months.

(2) An authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of such suspension and the reasons therefor to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(3) Where the registration of a motor vehicle has been suspended under sub-section (1), for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension.

(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration.

(5) A certificate of registration surrendered under sub-section (4) shall be returned to the owner when the order



suspending registration has been rescinded and not before.

7. A bare perusal of aforesaid provisions stipulates that in such conditions as described under Clause (a) or (b) of Sub-section 1 of Section 53, the registration certificate of the vehicle may be suspended by granting an opportunity of representation to the owner.

8. In the given facts of the present cases, as stated earlier, the validity of permit granted in favour of respective vehicles on 27th November 2025 is not disputed by the Transport Authority. So when the permit granted in respect of the vehicle was valid on the date of seizure of the vehicles, then there is nothing on record to justify the direction for suspension of registration certificate applying the provisions under Section 53 of the M.V. Act. The story narrated in the FIR does not speak anything with regard to violation of such provisions under clause (a) or (b) or any such action alleged against Petitioners' vehicles to debar them from continuing with the registration. Upon going through the facts of the case including the recitals of the FIR and the averments made in the counter affidavit, no such ground is revealing to authorize the



Registering Authority to exercise the power under Section 53 of the M.V.Act to suspend the registration certificate of the vehicle. It is stated in the counter affidavit at Para-7 and 8 as follows:-

7. That it is humbly submitted the vehicle of the petitioner was seized by the police on 26.11.2025 on the allegation of various criminal offences and the offences committed under Odisha Minor Mineral Concession Rules as per the F.I.R. dated 26.11.2025. As the vehicle of the petitioner was indulged in carrying goods in contravention of provisions of Section 53(1)(b) of the Motor Vehicles Act, 1988, show cause notice dtd.27.11.2025 (Annexure-7) was issued to the petitioner for suspension of Registration Certificate of the vehicle.

8. That after considering the show cause reply of the petitioner the opposite party No.3 vide order dated 11.12.2025(Annexure-9) has suspended the Certificate of Registration of vehicle OD-21-S-7588 in exercise of power conferred U/s.53 of the M.V.Act.

9. So it is clear from above narration of facts that, the authority is lacking power in absence of the satisfaction of violation of such conditions stated in both the Clauses of Sub-section 1 of Section 53. It is therefore unwarranted on the part of the Registering Authority to proceed for suspension of registration certificates invoking the power under Section 53 of the M.V. Act. It is admitted that the allegations pertaining



to the vehicles is only regarding transportation of sand from illegal Sairat source. When the permit of the vehicle is admitted to be valid on the date of seizure, no occasion arose on the part of the authority to proceed under Section 53 of the M.V. Act to suspend the registration certificate of the vehicle. It is made clear that transportation of illegal sand from unauthorized source may attract the offence under Odisha Minor Mineral Concession Rules, 2016 and other offences under different other statutes, but the same can never be construed in violation of the condition enumerated in both the Clauses of Sub-section 1 of Section 53 of the M.V. Act. Without any specific action alleged against the vehicles as to endanger the public or failing to comply the requirements of the Act and Rules or being hired or used for reward without a valid permit, the provisions of Section 53 is not seen to have attracted in present facts of the case to invoke the power of the authority to suspend the registration certificate. Accordingly, such action of the Registering Authority is termed as illegal and unauthorized.

10. So far as to avail the provisions of appeal under Section 57 of the M.V. Act is concerned, in view of the clear



and flagrant violation of the statutory provisions under Section 53 to satisfy the requirement to attract such provision against the vehicles to suspend their registration certificates, which is apparent on the record, the writ petition filed before this Court cannot be said as not maintainable only for the reason of the provisions available to appeal against the impugned order. As per the submissions of the Petitioners they are earning their livelihood by running such vehicles and therefore, it would be inappropriate on the part of this Court to send these matters to the Appellate Authority without entertaining the prayer of the Petitioners.

11. Accordingly, the writ petitions are allowed and the impugned orders of suspension of registration certificate in respect of the vehicles of all Petitioners are quashed.

(B.P. Routray)
Judge

S.Das, Sr.Steno