IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19962 of 2026

Khokan Kumar Mandal .... ***Petitioner***

Mr. Sanjay Kumar Patra, Advocate

-versus-

State of Odisha and Others .... ***Opp. Parties***

Mr. Pravakar Nayak, Panel Counsel
Transport Department

CORAM:
THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

Order No.	**ORDER** **14.07.2026**
01.	1. Heard learned counsel for the parties.

2. By means of the present Writ Petition, the Petitioner seeks the following relief:

> *"The petitioner most respectfully prays that this Hon'ble Court may be graciously pleased enough to admit this writ petition issued rule NISI calling upon the 0pp. Party specifically 0pp. No.2 as to why the MV Tax & Penalty as reflected under Annexure-IV in respect of the vehicle No.OD-22Z-4090 the waived and slashed and exempted and why the ownership of the same shall not be transfer in the name of the petitioner and if the 0pp. parties do not so-cause or so-insufficient cause the rules shall be made absolute by passing appropriate order by the Hon'ble Court."*

3. In the course of hearing, learned counsel for the Petitioner submits that the Petitioner is the auction purchaser of the vehicle in question, which had originally been financed in favour of one Sibashankar Mahakud, S/o Daitari Mahakud, of Village Jagula, Narasinghpur, Dhamara, District-Bhadrak. Since the borrower

defaulted in payment of the EMIs, the vehicle was repossessed by the financier and subsequently sold by way of auction. It is submitted that the Petitioner, being the auction purchaser, was unaware of the outstanding motor vehicle tax and penalty payable in respect of the said vehicle.

4. Learned Panel Counsel appearing for the Transport Department draws the attention of this Court to the provisions of Section 51 of the Motor Vehicles Act, 1988. He submits that if the Petitioner deposits the outstanding motor vehicle tax and makes an appropriate application before the Regional Transport Officer (RTO) for transfer of ownership, the competent authority shall consider such application in accordance with law. He further submits that the Petitioner's request for waiver or remission of the penalty, if permissible under the applicable statutory provisions or Government policy, shall also be considered by the competent authority.

5. In view of the aforesaid submission and without expressing any opinion on the merits of the Petitioner's claim, the Petitioner is granted liberty to deposit the outstanding motor vehicle tax and submit appropriate application before the Regional Transport Officer for transfer of ownership of the vehicle and for consideration of his prayer for waiver or remission of the penalty, if admissible under law or by application of circular/executive instructions. If such an application is filed, the competent authority shall consider and dispose of the same by passing a reasoned

order, strictly in accordance with law, as expeditiously as possible, preferably within a period of four (4) weeks from the date of its receipt.

6. The Writ Petition is accordingly disposed of.

(Chittaranjan Dash)
Judge

AKPradhan