



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 27646 of 2025

*Maa Taratarini Transport,
Ganjam*

..... *Petitioner(s)*
Ms. Deepali Mahapatra, Adv.

-Versus-

State of Odisha & Ors.

..... *Opposite Party(s)*
Mr. Sonak Mishra, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

26.09.2025

W.P.(C) No.27646 of 2025 & I.A. No.17530 of 2025

Order No.

04.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed by the Petitioner with the following prayer:

“In the facts and circumstances of the case, the petitioner respectfully prays that the Hon'ble Court may be graciously pleased to admit this application, issue notice to the opp. Parties to show cause as to why demand notice dt. 03.09.2025 under Annexure-3 shall not be quashed and if the opp. Parties fail to show cause or show insufficient cause, the Hon'ble Court upon hearing the parties may further be pleased to allow this Petition in issuing a writ in the nature of mandamus or any other appropriate writs in directing the O.P.s to waive the penalty of Rs. Rs. 4,00,000/ (Rupees Four lakh only) and also direct to release of the vehicle bearing registration no. OD32-J-2408 and may be further pleased to pass such other order/orders, direction/directions as may



be deemed expedient in the interest of justice and for this act of kindness as the petitioner is duty bound shall ever pray.”

4. Learned counsel for the Petitioner submits that the vehicle of the Petitioner bearing Registration No.OD-32-J-2408 is a commercial vehicle. The same is being used for commercial purpose. She further submits that on the allegation of illegal transportation of sand, the said vehicle was seized by the Opposite Party No.3/Mining Officer-cum-Competent Authority, Koraput without the knowledge of the Petitioner. She further contends that no seizure list was prepared when the vehicle was seized and no intimation was issued to the Petitioner, who is the owner of the vehicle. The vehicle was taken to the Police Station, where the vehicle is still standing and exposing to sun and rain. Hence, it is prayed that the vehicle may be released in favour of the Petitioner.
5. Learned counsel for the State vehemently opposes the prayer for releasing of the vehicle stating that such kind of sand smuggling is very prominently defeating the law which will send a wrong signal to the other honest operators, who are transporting the same.
6. In such view of the matter and considering the submission made by the learned counsel for the parties, this Court is of the view that since the vehicle in question is in the process of deterioration because of the constant exposure/adversity of the environment, the vehicle is likely to be affected badly. If the Petitioner succeeds in



this case, he is likely to spend huge amount of money for repairing and maintenance of the said vehicle. Accordingly, the Petitioner is directed to furnish property security of Rs.20,00,000/- (Rupees twenty lakhs) and make a statutory deposit before the Opposite Party No.3/Mining Officer-cum-Competent Authority, Koraput. In such event, the Opposite Party No.3 shall release the seized vehicle in the zima of the Petitioner by getting a bond signed from the owner of the vehicle.

7. It is made clear that, the Petitioner shall produce the vehicle before the Opposite Party No.3 as and when called upon.

8. List this matter on 15th October, 2025.

9. Urgent certified copy of this order be granted as per rules.

(Dr. Sanjeeb K. Panigrahi)
Judge