

(2022) 11 OHC CK 0104
In the Orissa High Court
Case No : Writ Appeal No. 617 Of 2019

Kousalya Devi

APPELLANT

Vs

State Transport Commissioner, Odisha, Cuttack And Others

RESPONDENT

Date of Decision : 15-11-2022

Acts Referred:

Citation : (2022) 11 OHC CK 0104

Hon'ble Judges : S. Muralidhar, CJ; M.S. Raman, J

Bench : Division Bench

Advocate : Soubhagya Kumar Dash, P. Behera

Final Decision : Dismissed

Judgement

1. The challenge in the present writ appeal is to an order dated 7th November, 2019 passed by the learned Single Judge dismissing the W.P.(C) No.20800 of 2019 filed by the present Appellant seeking a direction to the Respondent-Registering Authority-cum-Regional Transport Officer (RTO) to cancel the registration of a bus belonging to the Appellant which, according to the Appellant, was damaged beyond repair in an accident.
2. According to the Appellant, he had been approaching the RTO since 29th June, 2016 for cancellation of the registration by pointing out that the vehicle was not safe to be plied as it was in a severely damaged condition. However, according to the Appellant, the RTO remained silent for more than 2 years. In the meanwhile, the Appellant decided not to wait for the cancellation of registration and took the risk of selling the vehicle to a scrap dealer.
3. It is in the above circumstances that he had filed W.P.(C) No.20800 of 2019 for the aforementioned directions.
4. The learned Single Judge has in the impugned order noted that unless the Appellant was in a position to produce the vehicle that was damaged, he could not expect the RTO to proceed to cancel the registration of such vehicle.

5. Learned counsel appearing for the Appellant, while not disputing that he had already sold the vehicle to a scrap dealer, submitted that he had waited for more than 2 years for the RTO to respond and in those circumstances, decided not to wait any longer and went ahead and sold the damaged vehicle to a scrap dealer.

6. If the Appellant decided to take the risk of selling the damaged vehicle to a scrap dealer without waiting for cancellation of registration, he cannot expect a direction to the RTO to nevertheless issue him a cancellation of registration even without inspecting the vehicle claimed to have been damaged.

7. Consequently, the Court is unable to find any error having been committed by the learned Single Judge which calls for interference. The writ appeal is dismissed.

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