

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) PIL No.31622 of 2021

Ashis Ranjan Mohanty (Adv.)

Petitioner

In person

-versus-

State of Odisha and Others

Opposite Parties

Mr. Iswar Mohanty, Addl. Standing Counsel

CORAM:

THE CHIEF JUSTICE

JUSTICE M. S. RAMAN

ORDER
23.11.2022

Order No.

09. 1. In an affidavit handed over today by learned counsel for the State which is dated 22nd November, 2022, the latest statistics have not been set out. What has been set out is the statistics as of 1st May, 2022 which was already taken note of by this Court in its previous order dated 9th September, 2022. Mr. Mohanty, learned Additional Standing Counsel states that he will positively file another affidavit giving the updated position as on 30th November, 2022 on or before 12th December, 2022.

2. In this affidavit, certain problems faced by the Police in disposal of the old vehicles which are lying at various Police Stations. Certain suggestions have been set out which the Court finds to be reasonable. Therefore, in addition to the directions issued in the judgment dated 31st January, 2022, the following further directions are issued:

(i) If the vehicle is not insured or any defect is found in the registration or engine number/chassis number of the vehicle, the

concerned police officer will move the concerned court for orders for disposal of the vehicles. The concerned court will after examining the application arrange for the auction sale of the said vehicles through the portal of the MSTC, a public sector undertaking under Ministry of Steel, Government of India.

(ii) Where the vehicle is not claimed by the accused or the owner or the Insurance Company or by a third person, the concerned police officer will move the concerned court for auction sale of the vehicle. If the Instance Company after being informed by the court declines to take possession of the vehicle which remains unclaimed by the owner or third person, the vehicle will be sold as per the directions of the court. This application should be disposed of within a period of six months from the date of production of the vehicle before the court.

(iii) As regards the vehicles seized by the police in abandoned and unclaimed condition, where engine number and chasis number is not visible, the Executive Magistrate/SDM will be moved by the concerned IIC for speedy disposal of unclaimed vehicles.

(iv) An Auction Committee shall stand constituted in terms of the present order comprising the District Superintendent Police as Chairman, one officer of the rank of Deputy Superintendent of Police (to be nominated by the SP) and the RTO concerned as member may be passed to deal with the matter of auction of unclaimed seized vehicles. The Registrar (Civil Courts) in each District Court will issue the necessary circular/notification to the above effect within ten days from today. This Auction Committee in every District will meet at least twice a month.

(v) The sole function of the Auction Committee would be to ensure quick disposal of unclaimed seized vehicles by auction sale through MSTC portal.

(vi) After the Executive Magistrate/SDM passes the appropriate orders, the Auction Committee will publish the details of the vehicle (registration number or chassis number or engine number of vehicle or ownership as per RC, whichever is available) along with the case reference, the circumstances of seizure in both the electronic and print media (both Odiya and English) fixing a stipulated time and place for auction of the vehicles, in case no legitimate claimant turns up for the same in the meanwhile. The expense if any for this purpose will be borne by the local administration.

3. It is once again clarified that the above directions are in addition to the directions already issued by this Court.

4. List on 21st December, 2022. A copy of this order be delivered forthwith by e-mail by the Registry of this Court to each of the District Judges and SPs in each District for compliance. A compliance affidavit be filed before the next date.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge