

(2023) 04 OHC CK 0159
In the Orissa High Court
Case No : Writ Petition (C) No.10978 Of 2023

Manoj Kumar Sahu

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

Date of Decision : 13-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0159

Hon'ble Judges : Dr B.R. Sarangi, J; M.S. Raman, J

Bench : Division Bench

Advocate : A.K. Patra, L. Samantaray

Final Decision : Disposed Of

Judgement

1. This matter is taken up through hybrid mode.
2. Heard.
3. The present Writ Petition has been filed with the following prayer:-

"It is therefore prayed that the Hon'ble Court may be pleased to issue a Rule Nisi calling upon the Opposite Parties to show cause as to why the impugned demand notice dated 22.03.2023 issued by the OP No.4 under Annexure-10 and notice dated 4.4.2023 of the OP No.4 under annexure-13 shall not be quashed and if the Opposite Parties fail to show cause or show insufficient or false case make the said Rule Nisi absolute and direct the OP No.2 to consider and accept surrender of Ramagiri Out Still Shop license of the year 2022-23 and to exempt MGQ of MF and refund/adjustment of monthly license fee for closure period of Ramagiri OS Shop for the year 2022-23 as per letter of the Govt. of Excise Dept. dt.23.2.2023 pursuant to application/appeal dt.4.4.2023 filed before the OP No.2 under annexure-14 and further direct the OP No.3 to renew Mohana Out Still shop and its Branch OS shop licenses for the year 2023-24 and pass such other or further orders as the Hon'ble Court may deem fit and proper and allow this application and for this act of kindness the petitioner shall as in duty bound ever

pray.”

4. In course of hearing, learned counsel for the Petitioner states that highlighting his grievance, the Petitioner has preferred an appeal to Opposite Party No.2 vide Annexure-14 and the same may be directed to be considered and disposed of within a stipulated time taking into consideration the judgments of this Court in Suresh Ch. Mishra Vs. State, 2015 SCC Online Ori 286; Ganapati Sahu Vs. State, 1996 SCC Online Ori 143; Krushna Chandra Sahu Vs. State, 1998 SCC Online Ori 188 and similar orders passed by this Court in Batakrushna Gochhayat Vs. State of Odisha & Others (W.P.(C) No.139 of 2015, disposed of on 2nd March, 2016), Pradeepta Kumar Nath Vs. State of Odisha & Others (W.P.(C) No.7443 of 2014, disposed of on 22nd September, 2014), K. Bina Patnayak Vs. State of Odisha & Others (W.P.(C) No.5860 of 2019, disposed of on 5th November, 2019), Sujit Kumar Sahoo Vs. State of Odisha (W.P.(C) No.6722 of 2019, disposed of on 5th November, 2019) & Shakti Prasad Mohanty Vs. State of Odisha & Others (W.P.(C) No.6779 of 2015, disposed of on 27th January, 2016), to which learned Counsel for the State has no objection.

5. As agreed to by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.2 to consider the appeal filed by the petitioner vide Annexure-14 and take a decision in accordance with law taking into consideration the ratio decided in Suresh Ch. Mishra, Ganapati Sahu, Krushna Chandra Sahu, Batakrushna Gochhayat, Pradeepta Kumar Nath, K. Bina Patnayak, Sujit Kumar Sahoo and Shakti Prasad Mohanty (supra) within a period of ten days from the date of production of certified copy of this order.

6. It is further directed that till a decision is taken on the representation of the petitioner within a period of ten days, no coercive action shall be taken against the Petitioner.

7. Issue urgent certified copy as per Rules.

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