
(2023) 02 OHC CK 0190
In the Orissa High Court
Case No : Writ Petition (C) No. 5759 Of 2023

Md. Qaiser Uzzaman

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 28-02-2023

Acts Referred:

Citation : (2023) 02 OHC CK 0190

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

Bench : Division Bench

Advocate : Budhadev Routray, Jagdish Biswal, Debakanta Mohanty

Final Decision : Disposed Of

Judgement

1. The short prayer in this writ petition is for a direction to the Opposite Parties to consider the Petitioner's representation (Annexure-9 Series) for renewal of his license for Lephripada Out-Still Liquor shop at Sundargarh District.
2. Earlier on account of the protest by the Gram Panchayat, the question of the Petitioner operating the said ON shop upon renewal of his license was kept in abeyance. The Petitioner had earlier filed W.P.(C) No.5643 of 2015 in which an interim order was passed by this Court on 10th April, 2015 to the effect that all the other shops of the Petitioner, other than the ON shop at Lephripada will continue to operate upon renewal of the license in accordance with law.
3. That writ petition came to be dismissed by this Court subsequently on 12th December, 2022 when the Court was informed that learned counsel appearing for the Petitioner had no instructions in the matter.
4. The apprehension now expressed by Mr. Budhadev Routray, learned Senior Counsel appearing for the Petitioner is that in view of the dismissal of the earlier W.P.(C) No.5643 of 2015, the Petitioner's request for renewal of his license for the Lephripada Out-Still Liquor shop will also not be considered by the Department.

5. It is clarified that notwithstanding the dismissal of W.P.(C) No.5643 of 2015 by this Court by order dated 12th December, 2022, the Petitioner's representation (Annexure-9 Series) made to the Excise Department for renewal of his Out-Still Liquor (ON Shop) license will be considered in accordance with law by the Department. The Superintendent of Excise will inform the Petitioner of the final order passed on his representation on or before 13th March, 2023.

6. Accordingly, the writ petition is disposed of in the above terms.

7. An urgent certified copy of this order be issued as per rules.

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