
(2023) 06 OHC CK 0020

In the Orissa High Court

Case No : Writ Petition (C) No.18127 Of 2023

Nilakantheswar Self Help Group, Jagatsinghpur

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 06-06-2023

Acts Referred:

Citation : (2023) 06 OHC CK 0020

Hon'ble Judges : Biraja Prasanna Satapathy, J

Bench : Single Bench

Advocate : S. Dash, P.K. Mohanty

Final Decision : Disposed Of

Judgement

Biraja Prasanna Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S. Dash, learned counsel for the Petitioner and Mr. P.K. Mohanty, learned A.S.C.
3. The Petitioner is aggrieved by the communication issued by the CDPO, Ersama on 31st May, 2023 under Annexure-4.
 - 3.1. It is contended that by virtue of the MOU executed in between the Petitioner and the CDPO, Ersama under Annexure-2, the Petitioner was permitted to supply food articles to 15(fifteen) Grama Panchayats. It is contended that initially vide notice dt.30.05.2023 under Annexure-3, the Petitioner without any reason was debarred to make such supply to five(5) numbers of Grama Panchayats. But the same was subsequently modified vide the impugned communication dt.31.05.2023 under Anneuxre-4 whereby the Petitioner was restrained to make supply in respect of two Grama Panchayats out of the 15 Grama Panchayats. Mr. Das, learned counsel contended that without issuing any show-cause and without providing any opportunity of hearing since the impugned notice under Annexure-4 has been issued, the same is not sustainable in the eye of law. It is

also contended that the petitioner has already collected the materials for such supply for all the 15 G.Ps for the month of June, 2023 and the Petitioner will be seriously prejudiced, if the impugned communication under Annexure-4 is given effect to.

4. Mr. P.K. Mohanty, learned ASC on the other hand contended that as per the guideline, the Opp. Party No.2-Collector-cum- District Magistrate, Jagatsinghpur is competent to look into the grievance of the Petitioner as made in the Writ Petition.

5. Having heard learned counsel for the parties and taking into account the submissions made, this Court while disposing the Writ Petition, permits the Petitioner to move an appropriate application before Opp. Party No.2 challenging Annexure-4 within a period of three days from the date of receipt of this order. It is observed that if any such application is moved by the Petitioner within the aforesaid time period, Opp. Party No.2 shall take a lawful decision on the same by giving an opportunity of hearing to the Petitioner within a further period of ten(10) days. It is further observed that in terms of Annexure-4, if any other person is permitted to make the supply in respect of the two Grama Panchayats, so indicated in Annexure-4, it will be subject to the final decision of the Collector and any such supply shall not confer any equity on any of the parties so allowed to make the supply in the interim.

6. With the aforesaid observation and direction, the Writ Petition stands disposed of.

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