

(2006) 12 OHC CK 0042
In the Orissa High Court

Smt. Manorama Sahoo

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 05-12-2006

Acts Referred:

Citation : (2007) CLT 859 (Suppl CrI) : (2007) 1 OLR 142 : (2007) OLR 859 (Suppl CrI)

Hon'ble Judges : A.S. Naidu, J

Bench : Single Bench

Judgement

A.S. Naidu, J.—Heard learned Counsel for the petitioner and learned Counsel for the State. The petitioner was appointed a Sub-wholesale Dealer of Kerosene oil. Being aggrieved by appointment of opposite party No. 5 and reduction of his quota the petitioner had filed W.P.(C) of 13713 of 2004. Mr. Das submits that during the pendency of the said writ application, it was learnt that the license of the petitioner had been renewed and she had been allowed to lift her quota of Kerosene, accordingly the writ application was disposed of by order dtd. 9.8.2005 observing as follows:

Mr. Das, learned Counsel for the petitioner submitted that in view of changed circumstances, he does not want to press this writ petition. Accordingly the writ petition is disposed.

2. There after, it appears that the Collector, Nayagarh passed an order on 29.9.2005 reducing the quota of the petitioner from 17 K.L. to 10 K.L. on the ground that the writ application filed by the petitioner has been disposed by this Court and she has lost the case. But then the said reasoning as would be apparent from the order passed by this Court, quoted supra, is not correct.

3. By filing counter affidavit, the opposite party seeks to explain the reasons but then law is well settled that an authority should not be permitted to develop the case by assigning reason subsequent to passing the order.

4. In view of the fact that the reasoning assigned in order dtd. 29.9.2005 are not

correct, I set aside the said order and direct the Collector to reconsider the matter and pass a reasoned order in accordance with materials available and law. It is made clear that this Court has not expressed any opinion with regard to the merits of the case of either of the parties.

The writ petition is accordingly disposed of.