
(2004) 02 OHC CK 0027
In the Orissa High Court
Case No : Writ Petition (C) No. 12719/03

Sri Prem Kumar Agrawal

APPELLANT

Vs

State of Orissa and Another

RESPONDENT

Date of Decision : 24-02-2004

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2004) 1 OLR 353

Hon'ble Judges : P.K. Tripathy, J

Bench : Single Bench

Judgement

P.K. Tripathy, J.—Heard.

2. In this writ petition, petitioner prays to quash the order of suspension. Annexure-7, passed by the Collector, Bolangir on 21.11.2003, suspending the sub-wholesaler's licence of kerosene of the petitioner, which, according to Annexure-1, was renewed in March, 2001, making it valid up to 31.3.2006. A check by the Civil Supply Department to the place of business of the petitioner on kerosene oil on 22.10.2003 is not disputed. Petitioner also does not dispute to receipt of show cause on the basis of that checking made by the Civil Supply Staff. He also states that he has already submitted a show-cause. His sole grievance is that though he filed a show-cause, but the Collector, Bolangir, i.e., opposite party No.2. without affording an opportunity of hearing to him, passed the impugned order, Annexure-7, suspending his licence. Learned Standing Counsel referring to the counter affidavit filed by the opposite party members and the previous misconduct of the petitioner, initially resisted to the contention of the petitioner but conceding to the principle of natural justice he argues that petitioner should be provided with an opportunity of hearing before taking any decision by the opposite party No. 2.

3. In view of the aforesaid facts and circumstance and the submission of the parties, while setting aside the order. Annexure- 7, this Court directs the Opposite party No. 2 to consider the show-cause of the petitioner and provide

him an opportunity of hearing and to dispose of the same within a period of three weeks. Opposite party No. 2 shall act on production of a certified copy of this order by the petitioner before him on 2.3.2004. If for no fault of the petitioner but because of the fault of opposite party No. 2 the case could not be heard and disposed of by the Collector within the aforesaid stipulated period of three weeks, then it will be proper for the Collector to pass order for issue of kerosene quota in favour of the petitioner until he takes a decision on the show-cause filed by the petitioner in the above indicated manner.

The Collector, Bolahgir shall bear in mind that this Court has expressed no opinion on the merit of the case from either side and he is to decide the same strictly in accordance with law.

The writ petition is accordingly disposed of.

A free copy of the this order be given to Mr. A. K. Mishra, learned Standing Counsel.