

(2023) 05 OHC CK 0191
In the Orissa High Court
Case No : Writ Petition (C) No.14045 Of 2023

Swarnalata Pattnaik

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 11-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0191

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

Bench : Division Bench

Advocate : Prafulla Kumar Rath, L. Samantaray

Final Decision : Disposed Of

Judgement

1. This matter is taken up through hybrid mode.
2. Heard.
3. The Petitioner has filed this writ petition seeking direction to the Opposite Parties to refund the license fee deposited with the Govt. w.e.f 10.08.2021 to 30.01.2022 given by the Petitioner and waive the MGQ duty of the said closure period in respect of Sarankul IMFL "OFF" shop in the district of Nayagarh, within a stipulated period.
4. In course of hearing, learned counsel for the Petitioner states that highlighting her grievance, the Petitioner has made a representation to Opposite Party No.1 vide Annexures-9 series and 11 series 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.1 to consider the representation filed by the petitioner vide Annexure-9 series 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 four weeks, no coercive action shall be taken against the Petitioner.

7. Issue urgent certified copy as per Rules.

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