

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.2426 of 2018
(Through hybrid mode)**

Susil Kumar Nanda

....

Petitioner

Mr. G. Mohanty, Advocate

-versus-

State and others

....

Opposite Parties

Ms. S. Pattanayak, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
11.10.2022**

Order No.

08.

1. Mr. Mohanty, learned advocate appears on behalf of petitioner and submits, challenge in the writ petition is against circular dated 27th February, 2015, directing, inter alia, no extension of lease of on-campus medical stores be done till further orders, as decision pursuant to commitment of the State Government to provide free medicines to patients at public health facilities. He submits, his client's licence was not renewed. State, thereafter, caused the hospital to shift. The authorities then entered into agreement dated 18th October, 2019, whereunder his client was to run medicine shop in the shifted campus. However, the authorities prevented his client from running the shop. He submits further, impugned circular was subject matter of **W.P.(C)**

no.7846 of 2017 (Jai Bharat Medicals vs. State of Odisha and others), disposed of by order dated 8th September, 2022.

2. Ms. Pattnayak, learned advocate, Additional Government Advocate appears on behalf of State and prays for extension of time by two weeks, for filing counter. On query from Court regarding impugned circular having been subject matter in **Jai Bharat Medicals** (supra) she submits, same circular was impugned therein.

3. The writ petition has been listed under heading 'Old Matters'. Text of order dated 21st September, 2022 is reproduced below.

"1. Mr. Mohanty, learned advocate appears on behalf of petitioner and submits, his client has made interim application on subsequent development of the hospital having shifted and consequently the authorities having entered into agreement dated 18th October, 2019. Under the agreement, his client is to run medicine shop in the shifted campus but his client stands prevented.

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and prays for adjournment to obtain instructions.

3. List on 11th October, 2022 under heading 'Old Matters'.

4. It is made clear it is likely that the writ petition itself will be dealt with."

4. Court rejects the prayer for adjournment since contention of State stands already adjudicated in **Jai Bharat Medicals** (supra). The

writ petition stands covered thereby and directions made therein, as applicable herein, are made.

5. The writ petition and application are disposed of.

(Arindam Sinha)
Judge

Prasant

