

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.1254 of 2019

Sri Shiv Prasad Bhagat

....

Petitioner

Mr. Prafulla Kumar Rath, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, Addl. Govt. Advocate.

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

ORDER (Oral)

07.07.2022

Order No.

14. 1. This matter is taken up by virtual/physical mode.
2. The question posed in the present petition is for reopening of an IMFL 'ON' shop within the premises of Nisha Restaurant situated within the Talcher Angul Meramundali Development Authority (TAMDA) on a State Highway.
3. It is claimed that the Hon'ble Supreme Court had restrained the location of the sale outlets of liquor on the highway within a specified distances from the roads. The 'ON' shop license for Nisha Restaurant had been duly granted but was suspended and then not renewed in view of the order passed by the Hon'ble Supreme Court, being located within the prohibited distance.

In the light of the subsequent relaxation granted by the Hon'ble Supreme Court vide order dated 23rd February, 2018, an

exception for such location was carved out inasmuch as rigour of the restraint order was not to operate qua liquor shops situated on the State Highway running through the Municipalities as also developed pockets situated adjacent to the Municipal areas as well as other Local Self-Governing Bodies.

4. In view of the reports based on enquiry that the site in question is located within a developed area of Local Self-Governing Body, it is prayed that the license for the 'ON' shop at the premises of the restaurant should be renewed.

5. At the time of hearing, counsel for the parties are agreed that the Excise Commissioner, Odisha, Cuttack vide its letter dated 21st May, 2021 has recommended for reopening of the Nisha IMFL 'ON' shop at the original site in question situated within the district of Angul for an appropriate decision by the Govt. in view of the provision of the Odisha Excise Act, 2008 read with Odisha Excise Rules, 2017. Thus they submit that the present writ petition be disposed of with a direction to the competent authority/Govt. to take an appropriate decision on the aforesaid recommendation within a period of two months from today. Ordered accordingly.

6. The writ petition is disposed of in the above terms.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge