

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15284 of 2014

<i>Kuppili Krishna and others</i>		<i>Petitioners</i> None
-versus-		
<i>State of Odisha and others</i>		<i>Opp. Parties</i> Mr. L. Samantaray, Additional Government Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

05.08.2022

Order No.

03.

1. This matter is taken up through virtual/physical mode.
2. In view of the provisions contained in Section 23 of the Bihar & Orissa Excise Act, 1915 read with Rule 127 of the Boards Excise Rules, 1965, in respect of remaining period of the year 2010-2011 on realization of the application fee, user charges and lable registration fee and by virtue of the office order of the Superintendent of Excise, Koraput, the license of IMFL OFF Shop No.8, Jeypore standing in the name of Sri V. Satya Narayan Patnaik of Jaypore in the district of Koraput was transferred in favour of the Opposite Party No.5, namely, Sri Satish Kumar Choudhury, S/o. Sri N. Laxman Rao of Malkangiri. On the objection raised by the local people, the Superintendent of Excise, Koraput vide letter dated 24th May, 2014 directed the said Opposite Party No.5 to find out an alternative location/suitable non-objectionable site for shifting of the IMFL OFF Shop No.8, Jeypore for the year 2014-2015, which being not complied by the said Opposite Party No.5, four of the residents of the locality have come up before this Court seeking for a direction to the Opposite Party No.5 to shift the IMFL OFF Shop No.8 to non-objectionable site.

3. This Court vide order dated 5th September, 2014 issued notice.

4. At the time of hearing today, none appeared for the Petitioners.

5. Mr. L. Samantary, Additional Government Advocate submits that a counter affidavit has been filed by Opposite Party Nos.3 and 4, namely, Superintendent of Excise, Koraput and the Collector, Koraput, inter alia, contending that no objection had been received with regard to functioning of IMFL OFF shop No.8, Jeypore by the date line as a consequence of which the license of the Opposite Party No.5 was renewed for the year 2014-2015 as per the duty and fee structure envisaged in excise policy for the year 2014-2015.

6. In view of the submission made by learned Additional Government Advocate, the writ petition has become infructuous and hence, the writ petition is dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna
Cuttack August 5th, 2022