

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 19710 of 2014

Ramesh Chandra Das through Lrs.
Shantilata Das & Others

Petitioners

Mr. Dipankar Varadwaj, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

12.09.2022

Order No.

- 08.**
1. This matter is taken up by virtual/physical mode.
 2. Questioning the decision to cancel the license of excise shop located on Government land vide letter No.150/Ex, dated 27th January, 2014 addressed to late Ramesh Chandra Das (since dead, legal representatives are brought on record vide order dated 30th July, 2019), the Petitioners have approached this Court under the provisions of Article 226/227 of the Constitution of India.
 3. Mr. Dipankara Varadwaj, Counsel for the Petitioners submitted that the application for shifting of his CDA IMFL OFF Shop to Plot No.C-58 in Sector 7 (C.D.A), Cuttack has been allowed by the District Excise Office, Cuttack by letter No.101/Ex, dated 19th January, 2012, but the Petitioners are also aggrieved by the demand of consideration money @ Rs.41,765/- per month

retrospectively from 1st April, 2011 with direction to lift MGQ of IMFL/Beer retrospectively from that date.

4. Counter affidavit dated 10th August, 2016 come to be filed stating therein that the Government of Odisha in Excise Department vide Letter No8.IEX-26/2011(pt)-284/Ex, dated 18th January, 2014 took a policy decision in order to comply with the directions contained in order dated 2nd January, 2014 passed in W.P. (C) No. 24057 of 2013 and W.P.(C) No. 25913 of 2013 by this Court, whereby it has been *inter alia* decided that the license of excise shops located on Government land were required to be cancelled without any option for relocation and without any compensation for the loss and risk of Excise Privilege holder.

5. Mr. L. Samantaray, Additional Government Advocate submitted that since 2014 the shop is not functioning and the system of renewal of license has been discontinued with by virtue of Excise Policy after the year 2021. Hence, the writ petition has been rendered infructuous.

Mr. Samantaray, AGA further submitted that in place of renewal system of license, e-lottery system of allotment has been introduced by virtue of new Excise Policy and therefore, no indulgence is required to be shown in the decision of Government of Odisha in Excise Department in order to comply with the directions of this Court in W.P.(C) No. 24057 of 2013 and 25913 of 2013 and implemented in this State.

6. In view of aforesaid submission, the writ petition stands dismissed as infructuous.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

September 12, 2022
Cuttack

