

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.5266 of 2022
(Through Hybrid mode)

M/s. Shankar Medical Store ***Petitioner***

Ms. Deepali Mahapatra, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Mr. A. K. Sharma, Addl. Govt. Advocate

CORAM: JUSTICE ARINDAM SINHA

Order No.

ORDER
19.05.2022

I.A. no.3110 of 2022 and WP(C) no.5266 of 2022

- 03.**
1. Ms. Mahapatra, learned advocate appears on behalf of applicant and submits, order dated 25th February, 2022 disposing of the writ petition be recalled. She submits, by inadvertence it was overlooked that petitioner's grievance was pending adjudication in his earlier writ petition WP(C) no.16196 of 2017. As such, there was erroneous submission made, on basis of which the writ petition was disposed of by said order dated 25th February, 2022.
 2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and points out from, inter alia, paragraph 1 in the application that the earlier writ petition was mentioned therein and on notice, petitioner prayed and Court disposed of the writ petition.

3. On query from Court Ms. Mohapatra submits, subsisting interim order dated 11th August, 2017 was made in her client's earlier writ petition. Said order is reproduced below.

“As an interim measure, it is directed that petitioner's shop room i.e. M/s. Shankar Medical Store, situated inside the Sub-Divisional Hospital, Bhanjanagar in the District of Ganjam, shall continue on the payment of the license fees till disposal of the writ petition.

Urgent certified copy of this order be granted on proper application.”

4. It was not brought to notice of Court that there was subsisting interim order in WP(C) no.16196 of 2017. That order did not allow issuance of impugned letter dated 19th November, 2021, challenging which the writ petition was filed.

5. Order dated 25th February, 2022 is recalled, the application allowed and disposed of.

6. Ms. Mohapatra submits, she has instruction to not press the writ petition.

7. WP(C) no.5266 of 2022 is dismissed. Dismissal of the writ petition will not affect in any way adjudication of petitioner's grievance in WP(C) no.16196 of 2017.

8. List WP(C) no.16196 of 2017 on 20th June, 2022.

(Arindam Sinha)
Judge

RKS