

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No. 7239 of 2022

Durga Charan Pradhan

....

Petitioner

Mr. Aryan Kumar Biswal, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. L. Samantaray, AGA (for Opposite Party Nos.1 to 4)
& Mr. P.K. Rath, Advocate (for Opposite Party No.5)

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
04.04.2022

Order No.

- 01.** 1. This matter is taken up by virtual/physical mode.
2. The Petitioner is a licensee of Kanpur country liquor shop under the Narsinghpur Excise Station for the excise year 2021-22 (duly renewed for the excise year 2022-2023), and is aggrieved with the order dated 8th March, 2022 (passed by Excise Commissioner, Odisha) and consequential office order dated 10th March, 2022 passed by the Superintendent of Excise, Cuttack, whereby Smt. Nilima Sahu-Opposite Party No.5, the licensee of Tigriria country liquor shop at Athagarh Excise Station has been allowed to shift to site within the Narsinghpur Excise Station in violation of the statutory provision of the Odisha Excise Act read with Excise Rules and the Excise Policy.
3. At the outset, Mr. L. Samantaray, Additional Government Advocate appearing for the official (Opposite Party Nos. 1 to 4) and Mr. Prafulla Kumar Rath, Advocate appearing for Opposite Party

No.5 state that in view of the alternative remedy of filing a revision under sub-Section (3) of Section 6 of the Odisha Excise Act, 2008, the present writ petition is not maintainable.

4. In response, counsel for the Petitioner prays for permission to withdraw the present writ petition to enable the Petitioner to file a revision under the aforesaid petition. He however prays for direction to the Revisional Authority to decide the revision, if filed within a particular period.

5. In view of the above, the present writ petition is disposed of as withdrawn with the aforesaid liberty.

The Revisional Authority shall dispose of the revision filed if any, within a period of eight weeks of such application.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge