

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7047 of 2013

Manmath Kumar Nayak

....

Petitioner

Mr. Prafulla Kumar Rath, Advocate
-versus-

State of Odisha and others

....

Opposite Parties

Mr. Debakanta Mohanty, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER
19.12.2022

Order No.

- 03.
1. The impugned notice was issued by the Superintendent of Excise, Bhadrak stating that unless the Petitioner, who at that time was a licensee of an IMFL/Beer OFF shop, lifts the same quantity as the previous years 'lifting', he would be prevented from participating in the e-auction of shops/renewal of license for 2013-14.
 2. Although that contingency has now been crossed, the only apprehension expressed by learned counsel for the Petitioner is that on the basis of the impugned notice, no demand should be raised against the Petitioner.
 3. It may be mentioned here that the Petitioner has long since ceased to be a licensee of the concerned IMFL/Beer OFF shop.

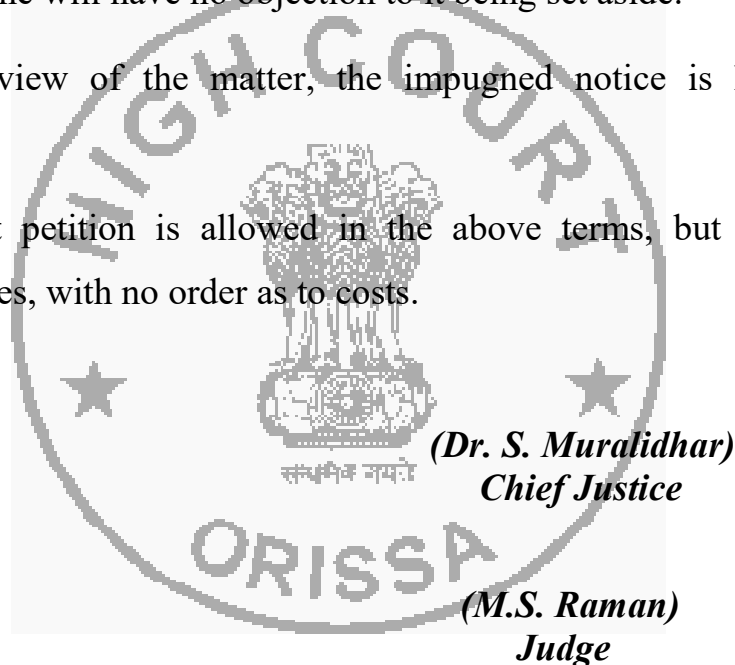
4. On 26th March 2013, while issuing notice in the present petition, the operation of the impugned notice was stayed and that stay has continued since then.

5. It is not in dispute that the impugned notice has lost its relevance due to passage of time. The shop in question has also been allotted to others.

6. Mr. Debakanta Mohanty, learned Additional Government Advocate, states that the impugned notice therefore does not survive and he will have no objection to it being set aside.

7. In that view of the matter, the impugned notice is hereby quashed.

8. The writ petition is allowed in the above terms, but in the circumstances, with no order as to costs.



M. Panda