

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15663 of 2022

Nayan Kumar Raha

.... Petitioner

Mr. Prafulla Kumar Rath, Advocate
along with Mr. S. B. Rath, Advocate

-versus-

State of Odisha and Others

.... Opp. Parties

Mr. L. Samantaray, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

05.09.2022

Order No.

05. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. The petitioner is a licensee holder of an Out Still (OS) Shop at the present location in village-Dehuripada, Khata No.69, Plot No.1391. The shifting at the aforesaid location was permitted vide shifting order dated 7th July, 2006, *inter aila* on the ground of a valid tenancy agreement with the owner-cum-landlord of the site in question.

3. By filing the present Writ Petition, challenged has been laid to the order dated 27th May, 2022 passed by the Superintendent of Excise, Sambalpur directing the shifting of location of the OS Shop in view of the *inter se* dispute between the LR's of the original landlord-cum-owner pending before a Court of law.

4. On the previous date of hearing, Mr. Samantaray was directed to seek instructions as such a recourse is not permitted under any of the provisions of the Odisha Excise Act, 2008 read with Odisha Excise Rules, 2017.

5. At the time of hearing, apart from a counter affidavit dated 29th August, 2022 filed by the Superintendent of Excise, Sambalpur filed in the Registry, but not available on record, states that no further action shall be taken on the impugned notice, which can be considered as withdrawn. He further concedes that the shifting of the location is permitted only upon the request of licensee.

6. In view of the above stand, leaned counsel for the petitioner concedes that nothing would survive for adjudication in the present case, and can be disposed of as infructuous.

Accordingly, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge