

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16983 of 2022

Prafulla Kumar Panda

.... Petitioner

Mr. Nirod Kumar Sahu, 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.

- 02.** 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The petitioner is operating a restaurant under name and style of “Golden Restaurant” situated in Bhadrak Town adjacent to N.H.-16.
3. By filing the present Writ Petition, he is seeking a direction to the Excise authorities/Government to take a final decision upon the application for grant of licence for an IMFL ‘ON’ Shop for the said restaurant.
4. At the time of hearing, it transpires that the State Government vide order dated 28th March, 2022 have refused to relax the restrictive conditions which the applicant does not fulfill as provided under Rule 26 of the Odisha Excise Rules, 2017. That apart, in view of the two conflicting site inspection/Enquiry reports- (1) dated 15th March, 2022 submitted by the Excise Inspector, Bhadrak Range-I, Bhadrak and (2) dated 25th April, 2022 submitted by the Sub-Collector,

Bhadrak, a joint inspection was ordered resulting into a fresh report dated 14th June, 2022, and the consequent rejection by the Collector, vide order dated 4th August, 2022, the petitioner be required to comprehensively amend the petition or file a fresh one with complete particulars.

5. At this stage, learned counsel for the petition prays for permission to withdraw the Writ Petition to enable filing of a fresh comprehensive Writ Petition on the same cause of action after obtaining necessary information/orders under the R.T.I. Act.

6. In view of the above, the Writ Petition is dismissed as withdrawn with the aforesaid liberty.

It is hoped that the necessary orders and information asked for under the R.T.I. Act would be supplied/furnished to the applicant/petitioner at the earliest.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

Sipun

05th September, 2022
Cuttack