

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23405 of 2022

Sailabala Mohanty

.... Petitioner

Mr. Arun Kumar Patra, Advocate

-versus-

State of Odisha & Others

.... Opp. Parties

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

**ORDER (Oral)
23.09.2022**

Order No.

01.

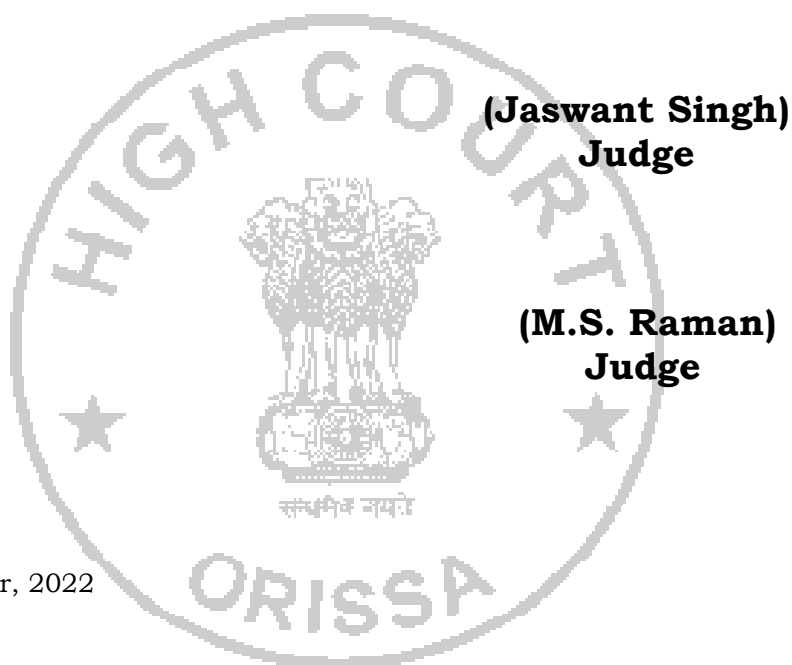
This matter is taken up through virtual/physical mode.

1. Petitioner is stated to be a licensee of Maza IMFL Restaurant 'ON' Shop for the year 2022-23 and has filed the present Writ Petition challenging the action of Superintendent of Excise, Cuttack/Opposite Party No.4 whereby a message has been circulated directing the licensees of all kinds i.e. OFF/ON/CL/Bhang/Tari to submit bank guarantee by 10th September, 2022.

2. We find that based on the aforesaid message coupled with the fact that the licence of the petitioner already stands extended upon submission of a Solvency Certificate, would not provide cause of action to maintain the present Writ Petition at this stage. That apart, Mr. Samantaray, very fairly concedes that in view of the statutory provisions and the judgment passed by this Court in **Gopinath Sahu V. State of Odisha** reported in **AIR 2020 Ori**

150, no such condition can be imposed for the licensees belonging to State of Odisha, unless necessary amendments to the contrary are made in accordance with law. He submits that he would advice the officer concerned to take action whatever he takes in accordance with law.

3. In view of the above, the present Writ Petition is disposed of as not maintainable at this stage.



Sipun

23rd September, 2022
Cuttack