

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25083 of 2022

Maa Durga Womens S.H.G., Jajpur* *Petitioner
Mr.Anupam Rath, Advocate

-versus-

State of Odisha and others* *Opposite Parties
Mr.A.Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The present writ application has been filed by a group of Women Self Help Group members known as Maa Durga Women S.H.G., Jajpur with a prayer for a direction to the Opposite Party No.3 to grant P.D.S. retailer licence in their favour and not to grant licence in favour of another group i.e. Bari Bagda Seva Cooperative Society.
4. It is submitted by the learned counsel for the Petitioner that the aforesaid Bari Bagda Seva Cooperative Society was earlier operating as a PDS Licence dealer. However, since the allegations were made against them proceedings were initiated against them and

they were placed under suspension. It is further submitted by the learned counsel for the Petitioner that on earlier occasion when it was placed under suspension, however, again they have committed such mistake. Accordingly they have again suspended and the suspension order is continuing. Further, learned counsel for the Petitioner expresses his apprehension that the case of the petitioner may not be considered by Opposite Party No.3 as the earlier dealer is a political influential person. Further he contends that the Petitioner comes under the Clause 4(6) of P.D.S. Control Order, 2016.

5. Learned Additional Standing Counsel on the other hand submits that the Petitioner has already approached the Sub-Collector, Jajpur by filing a representation on 20.06.2022 which is pending for consideration. In such view of the matter, learned Additional Standing Counsel submits that the Sub-Collector, Jajpur be directed to consider the representation of the Petitioner in accordance with the PDS Control Order by providing opportunity to the Petitioner and dispose of the same within a stipulated period of time.

6. Having heard learned counsel for the respective parties and upon careful consideration of the materials placed before this Court, this Court disposes of the writ application without expressing any opinion on the merits of the matter directing the Petitioner to file a fresh application taking all the grounds available to him including the grounds that the Petitioner shall be given priority under the relevant PDS Control Order. In the event the representation is filed within two weeks from today, the same shall be considered by providing opportunity to the Petitioner and other party who is likely to be affected in accordance with law and relevant PDS Control Order within eight weeks thereafter by passing a speaking and reasoned order and the decision so taken be communicated to the Petitioner.

7. With the aforesaid observation the writ application stands disposed of.
8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

