

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29342 of 2022

Mahendra Bag

....

Petitioner

Mr.Tirth Kumar Sahu, Advocate

-versus-

State of Odisha & others

....

Opposite Party

Mr. B.P.Tripathy, A.G.A.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

18.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
3. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
4. The present writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, humbly prayed that in view of the submissions made hereinabove and under the facts and circumstances mentioned therein, this Hon’ble Court may graciously be pleased to kindly grant the following reliefs:

I. Writ in the nature of certiorari may be issued quashing the charge sheet vide Annexure-1 considering the reply submitted vide Annexure-2;

II. Writ in the nature of mandamus may be issued directing the Opposite Party No.3-Sub-Collector,Titilagarh, to consider the Show-Cause reply vide Annexure-2 objectively and communicate his

decision to the Petitioner by way of a speaking order within a stipulated period of time;

Or in the alternative,

III. Any further or other appropriate order(s) / direction(s) / writ(s) may kindly be issued in the fitness of the case;"

5. It is submitted by learned counsel for the petitioner that the petitioner is a dealer under the Public Distribution System ("P.D.S." for short) for different areas. In accordance with the provision in the P.D.S. (Control) Order, 2016, he has been appointed as a dealer. As a valid dealer under the P.D.S, the petitioner is lifting kerosene oil, wheat, sugar and rice for distribution in his area.

6. It is further submitted by learned counsel for the petitioner that the petitioner is a Retailer, Bramhani Retail Center, Bramhani G.P. in the district of Bolangir. A letter No.781 dated 06.08.2022 has been issued by the competent authority in Bolangir district under PDS Control order to the petitioner as well as to forty other retailers in the Muribahal Block of the said district. It is also submitted by learned counsel for the petitioner that on a fake allegation, the competent authority issued show-cause notices to the petitioner and others on being influenced/motivated by influential/political personnel for terminating the license of the petitioner under the P.D.S. (Control) Order, 2016. The petitioner is aggrieved by the action of the opposite parties stripping him off the dealership for supply of rice, sugar and wheat in his locality.

7. Learned counsel for the State, on the other hand, submits that the show-cause notice was issued to the petitioner and other similarly placed persons giving them opportunity to file show-cause reply within the time stipulated and that the competent authority will

provide opportunity of hearing to the petitioner along with others and pass necessary orders strictly in accordance with law/rules.

8. Considering the aforesaid submissions advanced by the parties, this Court thinks it proper to dispose of the writ petition by directing the authorities to expedite the proceeding, which was initiated against the petitioner by providing opportunity of hearing to the petitioner and further it is directed that the opposite party no.3 shall do well to conclude the proceeding within a period of eight weeks from the date of production of a certified copy of this order and shall dispose of the case strictly in accordance with law without being influenced by any other factors. The decision so taken shall be communicated to the petitioner within a period of two weeks thereafter.

9. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge