

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30975 of 2022

M/s. Maa Kureisuni Medical Store, Gajapati *Petitioner*

Mr. Basudev Pujari, Adv.

-versus-

State of Odisha and Ors. *Opp. Parties*

Mr. G.R. Mohapatra, ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
25.11.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. In this Writ Petition, the Petitioner challenges the decision of the Opposite Party No.4/ Deputy Controller Drugs, Odisha (S/Z), Berhampur, District- Ganjam vide letter No.3358/DDC(S/Z), Berhampur dated 22.09.2022 intimating the Petitioner that the license granted to it in form Nos.20, 21 and 20-F bearing Nos.SL-GAJ-12517-R, SL-GAJ-12518 RC and SL-GAJ-12519-Rx respectively to run the medical store in the name and style as Maa Kureisuni Medical Store, At/P.O.- Gurandi, P.S.- Gurandi, District- Gajapati over Plot No.681/1921/Khata No.868 which was valid till 14.09.2025 is cancelled.
4. Learned counsel for the Petitioner submits that the Petitioner is running a Medical Store in the name and

style as “Maa Kureisuni Medical Store, At/P.O.- Gurandi, P.S.- Gurandi, District- Gajapati” over Plot No.681/1921/Khata No.868 on the strength of license Nos.SL-GAJ-12517-R, SL-GAJ-12518 RC and SL-GAJ-12519-Rx 20/20-F/21. However, on the basis of complaint made by one Promod Kumar Jena to the Opposite Party No.5/ Drug Inspector, Gajapati Range, Paralakhemundi, District-Gajapati alleging that the plot on which the medical shop is running is not the actual plot over which the lincese has been granted in favour of the Petitioner, the Opposite Party No.4/ Deputy Controller Drugs, Odisha (S/Z), Berhampur, District- Ganjam issued show cause notice vide letter No.2692 DDC (S/Z), Berhampur dated 05.08.2022 stipulating 30 days from the date of issue of the letter to give reply as to why Drug Licenses in Form 20, 21 & 21F shall not be cancelled for functioning the trade at an unlicensed premises and furnishing misleading documents of premises/ land. He further submits that the Petitioner could not give reply to the aforesaid show cause because he was busy in taking care of his ailing mother who is suffering from old age diseases. However, since no explanation was received within the time stipulated from the Petitioner, the Opposite Party No.4/ Deputy Controller Drugs, Odisha

(S/Z), Berhampur, District- Ganjam cancelled the license of the Petitioner and communicated the same to the Petitioner vide the aforesaid letter No.3358/DDC(S/Z), Berhampur dated 22.09.2022. The Petitioner did not get a chance to put forth his grievance which led to cancellation of his license by the authority. Since the Petitioner has only undertook the alternation of the plot for running the medical store, the authority has unduly harassed the Petitioner by cancelling the license thereby disrupted his livelihood.

5. Considering the facts and submissions made, without going into the merit of the claim of the Petitioner, this Writ Petition is disposed of directing the Opposite Party No.4/ Deputy Controller Drugs, Odisha (S/Z), Berhampur, District- Ganjam to give an opportunity to the Petitioner to file reply to the show cause. The Petitioner is also directed to file reply to the show cause before the Opposite Party No.4/ Deputy Controller Drugs, Odisha (S/Z), Berhampur, District- Ganjam within a period of ten working days from today. On such event, the Opposite Party No.4/ Deputy Controller Drugs, Odisha (S/Z), Berhampur, District- Ganjam shall accept the same and pass order afresh as per law with regard to cancellation of license of the Petitioner.

6. The Writ Petition is disposed of accordingly.
7. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

