

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.36715 of 2021**

***Nicholas Tirkey***

....

***Petitioner***

Mr. D. K. Mohapatra, Advocate

***-versus-***

***State of Odisha and others***

....

***Opposite Parties***

Mr. Debakanta Mohanty, AGA

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE M. S. SAHOO**

**ORDER  
27.01.2022**

**Order No.**

01. 1. This matter is taken up by video conferencing mode.
2. Learned counsel for the Petitioner seeks leave to withdraw the writ petition with liberty to approach the Appellate Authority by way of an appeal in terms of Section 71(6) of the Odisha Excise Act, 2008.
3. If such an appeal is filed not later than 7<sup>th</sup> February, 2022 accompanied by an application for condonation of delay, explaining the delay on account of pendency of the present writ petition, it will be considered in accordance with law by the Appellate Authority. The Court clarifies that it has not expressed any view in the matter.
4. The writ petition is disposed of as withdrawn in the above terms with the liberty as prayed for.

5. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25<sup>th</sup> March, 2020, modified by Notice No.4798, dated 15<sup>th</sup> April, 2021, and Court's Office Order circulated vide Memo Nos. No.514 and 515 dated 7<sup>th</sup> January, 2022.

*M. Panda*



***(Dr. S. Muralidhar)***  
***Chief Justice***

***(M. S. Sahoo)***  
***Judge***