IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.27102 of 2025

Ram Chandra Senapati … **Petitioner**

Mr. Amlan Shakti Paul, Advocate

-Versus-

Collector-cum-Authorized Officer, Khurda and others … **Opposite Parties**

Mr. Debashis Tripathy, AGA

CORAM:
THE HON'BLE THE CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER
04.12.2025

Order No.

01. 1. Heard Mr. Amlan Shakti Paul, learned counsel appearing for the petitioner and Mr. Debashis Tripathy, learned Additional Government Advocate appearing for the opposite parties-State.

2. This writ petition has been filed by the petitioner seeking a direction to opposite party no.2, the Excise Commissioner, Odisha, Cuttack to enhance the monthly opium quota consumed by the petitioner in consideration of the recommendation of the District Medical Board, *vide* letter dated 5th June, 2025.

3. It is the specific case of the writ petitioner that he used to consume opium since last 46 years and the opposite party no.3, Superintendent of Excise, Khurda granted one Medical Opium Card in his favour in the year 2002 on the recommendation of the opposite party no.4, Chief District Medical Officer, Khurda and, accordingly, he was permitted to consumer 10 (ten) tablets (10 grams quota) on payment of Rs.10/- towards permit fees.

3.1. Since the petitioner required more quantity of opium for consumption, the opposite party no.1, Collector-*cum*-District Magistrate, Khurda, increased the medicinal opium quota to 15 (fifteen) grams and subsequently to 22 (twenty-two) grams and thereafter it was increased to 40 (forty) grams in a month.

3.2. It is the further case of the petitioner that since the requirement of intake of opium is increased gradually and at this age of around 63 years, he approached opposite party nos.1 and 3 to enhance the medicinal dose of opium *vide* his representations dated 29th April, 2025 and 28th July, 2025.

3.3. The petitioner approached the Collector-*cum*-District Magistrate, Khurda, opposite party no.1, by submitting grievance petition. On receipt of such representation, said authority *vide* letter No.1170 dated 5th May, 2025 directed opposite party no.4, Chief District Medical Officer, Khurda to take necessary action on the grievance petition, which reads as thus:

> *"Letter No.1170/GC/Dated.05.05.2025*
> *To*
> *The CDMO, Khordha, Dist-Khordha.*
> *Sub:- Grievance Petition of Sri Ramachandra Senapati, S/o. Late Sri Gopal Senapati, At- Pitapalli, Kumarabasta, Khorha, Dist-Khordha.*
> *Sir,*
> *In enclosing herewith the Grievance petition of Sri Ramachandra Senapati, S/o. Late Sri Gopal Senapati, At-Pitapalli, Kumarabasta, Dist-Khordha. She is requested for "Aphima Pudia" I am directed to request you to take necessary inquiry & action as per guidelines and report compliance to this office within a week's for kind perusal of Collector Khordha.*
> *Encl:- Grievance Petition in Original.*

This is for your information & necessary action."

3.4. On constitution of District Medical Board by the Chief District Medical Officer, Khurda, on 5th June, 2025 the petitioner appeared and on examination of the health condition of the petitioner, the District Medical Board, Khurda observed that 40 (forty) packets of opium is not sufficient for the health condition of the petitioner and he is developing withdrawal symptoms and, accordingly, recommended to increase the opium packets from 40 (forty) packets to 60 (sixty) packets per month. The recommendation/opinion of the District Medical Board, Khurda is reproduced hereinbelow:-

> *"DISTRICT MEDICAL BOARD, KHORDHA (Odisha)*
>
> *Medical Board Examination of Sri Ramachandra Senapati, S/o. Late Sri Gopal Senapati, At- Pitapalli, PO- Kumarbasta, Dist- Khordha on Dated 05.06.2025 as per Lt.No.1170 Dt.05.05.2025 of O/O Collector & DM, Khordha and CDM&PHO, Khordha Lt.No.5243 Dt.07.05.2025.*
>
> *As per the above letter Sri Ramachandra Senapati has appeared before the Medical Board for Medical Examination for escalation of Opium packet allotment.*
>
> *On physical examination, Sri Ramachandra Senapati it is opined that the number of Opium packets may be increased from 40 to 60 packets per month."*

3.5. On the approach being made the opposite party no.1, the Collector & District Magistrate, Khurda forwarded the application of the petitioner to the Excise Commissioner, Odisha, Cuttack to issue permit with enhanced medicinal opium quota from forty packets (grams) to sixty packets (grams) in favour of the petitioner for his survival as per the recommendation of the District Medical Board, Khurda. Since the Authority concerned has not yet

considered the grievance of the petitioner, the present writ petition is filed.

4. It is submitted by the learned counsel for the petitioner that since the opposite party no.1, Collector and District Magistrate, Khurda has already forwarded the application of the petitioner to the opposite party no.2, Excise Commissioner, Odisha, Cuttack for issuance of permit with enhanced medicinal opium quota from forty packets (grams) to sixty packets (grams) in favour of the petitioner as per the recommendation/opinion of the District Medical Board, Khurda, there is no hurdle on his part to issue the necessary permit. It is submitted that unless the same is accorded at the earliest, day by day the health condition of the petitioner has been deteriorating.

5. It is pointed out at the Bar that the petitioner is entitled for opium quota by issue of permit in terms of Rule 20 of the Odisha Narcotic Drugs and Psychotropic Substances Rules, 1989, which is reproduced hereinbelow:

> "*20.(1) Any person desiring to possess opium for the purposes of personal consumption shall make an application for a permit to the Collector or authorized officer.*
> *(2) Subject to the provisions of sub-rule (3), on receipt of an application under sub-rule (1), the Collector or the authorized officer, as the case may be, shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may, if any, grant the applicant a permit in Form OP-III on payment of a fee of rupees ten:*
> *Provided that no such permit shall be granted or renewed—*

(i) except on the recommendation of the Medical Board or the Medical Officer, as the case may be, appointed in that behalf;

(ii) to a person under the age of twenty-one years; or

(iii) to a person holding a permit in Form B-III appended to these Rules.

(3) The Collector or the authorized officer shall direct in writing, every applicant applying for a permit under this Rule on grounds of addiction, to undergo medical treatment at the nearest hospital having facilities for the curative treatment of opium addicts in order to get rid of the addiction. He may, on the advice of the Medical Officer-in-Charge of such hospital grant or renew the permit to such applicant for the period recommended by such Medical Officer. Where the applicant fails to comply with direction, the Collector or the authorized officer may refuse to grant or renew the permit, unless—

(a) the applicant is over 60 years of age and his health does not permit undergoing hospitalization; or,

(b) the Collector or the authorized officer is satisfied that such person is receiving such curative medical treatment from any Registered Medical Practitioner and such persons produces certificate from such Registered Medical Practitioner countersigned by the Civil Surgeon of the district in which the persons resides, to the effect that the consumption of opium by the applicant is a medical necessity during such period of the curative treatment as may be specified in the certificate; or

(c) the addiction of such person is certified by the Medical Officer-in-Charge of the hospital to be incurable even after undergoing the curative treatment at the hospital; or

(d) such person is the only earning member in his family and his hosptilization will, in the opinion of the Collector or the authorized officer, cause hardship to other members of his family so far as their maintenance is concerned."

6. Learned Additional Government Advocate appearing for the opposite parties-State though does not dispute the aforesaid submission of the learned counsel for the petitioner, submits that the matter before the Authority concerned to redress the grievance of the petitioner, in terms of the provisions contained in Rule 20 of the Odisha Narcotic Drugs and Psychotropic Substances Rules, 1989, with reference to the District Medical Board, Khurda can be considered.

7. Considering the aforesaid submissions of the learned counsel for the parties, and in view of provisions contained in Rule 20 of the Odisha Narcotic Drugs and Psychotropic Substances Rules, 1989, this Court directs the Authority concerned to consider the plight/grievance of the petitioner and take a conscious decision within a period of two weeks from the date of receipt of this order and communicate the decision thereof to the petitioner within one week thereafter. It is impressed upon by this Court that in view of provision contained in sub-rule (3) of Rule 20 of the said Rules, the appropriate/competent authority may explore possibility of curative treatment of such addict and facilitate treatment to get rid of the addiction of the petitioner.

8. This writ petition stands disposed of with the above observation and direction.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Signature Not Verified
Digitally Signed
Signed by: LAXMIKANT MOHAPATRA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Dec-2025 18:44:40
ORS/Laxmikant