

Satyananda Muduli and 3 ors. Vs. State of Orissa and 6 ors.

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SooperKanoon Citation : sooperkanoon.com/535841

Court : Orissa

Decided On : Sep-29-2005

Reported in : 2005(II)OLR609

Judge : A.S. Naidu, J.

Acts : Orissa Public Distribution System (Control) Order, 2002

Appeal No. : W.P. (C) No. 11160/05

Appellant : Satyananda Muduli and 3 ors.

Respondent : State of Orissa and 6 ors.

Advocate for Def. : A.G.A.

Advocate for Pet/Ap. : M.K. Das,; S. Mallik,; L.D. Dash,;Minarani Das;and B

Judgement :

ORDER

A.S. Naidu, J.

1. Heard Mr. Das, learned Counsel for the petitioners and learned Addl. Government Advocate.

2. The grievance of the petitioners who were appointed as Sub-wholesaler licensee for the year 2005-06 under the Orissa Public Distribution System

(Control) Order, 2002 is that though there is no provision for renew of licence periodically, the authorities have acted illegally and with material irregularity in renewing the licence for a short period.

3. Mr. Das, learned Addl. Government Advocate, submits that the petitioners have not filed any applications for renewal of their licences.

The statement made by the learned Counsel for the State is found to be not correct specially in view of the fact that in the letter dated 1.7.2005 issued by the Collector, Dhenkanal, vide Annexure-3, refers to an application filed for renewal of S.K. Oil Sub-wholesale licence for the year 2005-06.

4. The further grievance of the petitioners in this Writ Petition is that action has been taken and order has been passed without affording any opportunity of hearing to the petitioners. In view of the aforesaid clear position and after going through the impugned order, this Court finds that there is some force in the contentions raised. Clause 7 of the Orissa Public Distribution System (Control) Order, 2002 reveals that an opportunity for stating the case should be given. Even otherwise in consonance with the principle of natural justice the said requirement is inbuilt. Annexure-3 series does not reveal that any such opportunity was given. The order also does not indicate the reasons for cancellation. Non-fulfilment of such requirement makes the orders at Annexure-3 series vulnerable in the eye of law. Therefore, this Court has no hesitation to set aside Annexure-3 series and remit the matter back the concerned authorities with an observation that the authorities shall give an opportunity of hearing to the petitioners and after observing all paraphernalia dispose of the proceeding by a reasoned order.

This order shall be communicated to the concerned authorities at the cost of the petitioners. Requisites shall be filed within seven days.