

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14561 of 2022

Kundendu Sekhar Swain

.....

Petitioner

Mr.P.K.Mohanty-2, Advocate

- Versus-

**The Member Secretary, State
Pollution Control Board, Khurda &
Ors.**

Opposite parties

CORAM:

JUSTICE BISWANATH RATH

**ORDER
06.07.2022**

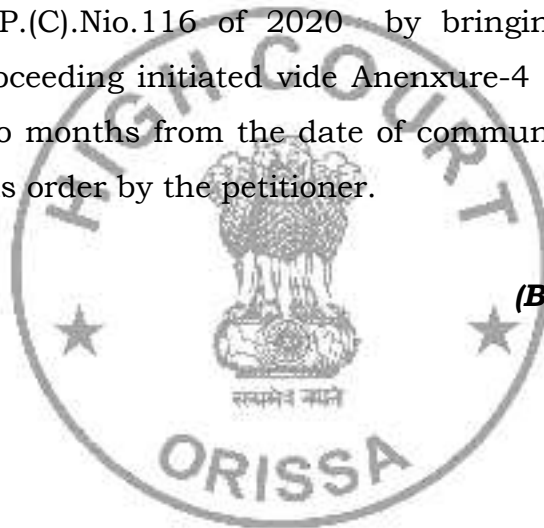
**Order No.
01**

1. Heard learned counsel appearing for the petitioner.
2. This is in second round of litigation. Petitioner alleges that in first round of litigation, in disposal of W.P.(C).No. 116 of 2020 on 12.02.2020, this Court directed the Pollution Control Authority to take into account the representation therein submitted by the petitioner and to take decision on the same also keeping in view the judgment of the Hon'ble Supreme Court in case of **Dipak Mandal -Versus- Pollution Control Appellate Authority**. While giving such direction, this Court also in disposal of such writ petition directed status quo as of now to be maintained with regard to construction of Poultry Farm. It is alleged through the pleading that even though a proceeding was initiated and petitioner is likely to be affected in such proceeding was noticed for investigation by State Pollution Control Board vide Annexure-4 on 24.08.2020 and even in spite

of inquiry being concluded, there is no finality of such proceeding and in the meantime for the status quo order passed by this Court, petitioner is unable to commence his business involving the institution involved. This Court finds, disposal of the earlier writ petition was made on 12.02.2020 and in the meantime more than two years time has lapsed.

3. Considering the serious allegation involved herein and as the petitioner is affected by no final outcome pursuant to the direction of this Court in disposal of W.P.(C).No. 116 of 2020, this Court to avoid further wastage of time disposes of the writ petition directing the Pollution Control Board-opposite party nos.1 and 2 to work out the direction of this Court in disposal of W.P.(C).No.116 of 2020 by bringing to the finality of the proceeding initiated vide Annexure-4 at least within a period of two months from the date of communication of certified copy of this order by the petitioner.

Sks



(BISWANATH RATH)
JUDGE