

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

**CONTC No. 5367 of 2020**

**Sarbeswar Behura**

....

***Petitioner***

Mr. Mihir Sekhar Sahoo, Advocate

*-versus-*

**Chakarvarthi Singh Rathore**

....

***Opposite Party***

Mr. Arnav Behera, ASC

**CORAM:  
JUSTICE JASWANT SINGH  
JUSTICE M.S.SAHOO**

**Order No.**

**ORDER  
14.12.2022**

*Hybrid Mode*

1. 1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 03.08.2020 disposing of W.P.(C)(PIL) No.11667 of 2020 and further prays the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act, 1971.
2. The writ petition, W.P.(C)(PIL) No. 11667 of 2020 was disposed of by order dated 03.08.2020 and operative portion thereof is quoted herein :

*“8. Upon detail hearing of the counsel for the parties and on perusal of record, it appears that allegations have been leveled with regard to non-supply of PDS commodities to the beneficiaries as well as supply of PDS commodities to the ineligible persons. Although allegations of misappropriation of PDS commodities have been made, but no specific instance has been given by the petitioner either in the writ petition or in the rejoinder affidavit. Thus, it appears that the writ petition involves serious disputed questions of fact. However, taking into consideration the nature of allegations made by the*

*petitioner, this Court feels that the same needs a detailed enquiry by the appropriate authority.*

*9. In view of the discussions made above, the Collector-cum-District Magistrate, Jajpur (O.P. No.3) shall have to make an enquiry to be conducted through the Tahasildar, Dharmasala (O.P. N.5) and to make an inspection of the families/persons detailed under Annexure-11 to the rejoinder affidavit to ensure that eligible family members entitled to receive food grains/PDS commodities under the Food Security Act, 2013 and State Food Security Scheme, 2018 are enlisted and also at the same time ensure that the food grains/commodities distributed under the Public Distribution System reach the deserving families and there is no case of starvation and no family who is entitled to receive the benefit under the Public Distribution System is deprived of the same.*

*9.1 Such enquiry shall be concluded as expeditiously as possible, preferably within a period of six weeks from the date of receipt of an authenticated copy of this order downloaded from the website of this Court, which shall be treated at par with certified copy in the manner prescribed in this Court's Notice No. 4587 dated 25.03.2020."*

**3.** Mr. Arnab Behera, learned ASC draws attention of this Court to the orders passed in W.P.(C)(PIL) No. 16579 of 2020 wherein in a public interest litigation, several orders have been passed issuing directions regarding implementation of National Food Security Act, 2013; State Food Security Scheme, 2018 also directions of the Hon'ble Supreme Court in PUCL v. Union of India. It is also stated that next date of hearing of the said PIL taken up by a coordinate Bench of this Court is 3<sup>rd</sup> January, 2023.

In our considered opinion, in view of this Court taking up the matter for the entire State, covering all the districts, the issue raised in the writ petition, W.P.(C)(PIL) No. 11667 of

2020, disposed of on 03.08.2020 pertaining to the district of Jajpur, has also been taken care of. Further the aforesaid writ petition, W.P.(C)(PIL) No. 16579 of 2020 still being pending and this Court continuously monitoring the issue, the present proceeding has been rendered otiose and is dismissed.

**(Jaswant Singh)**  
**Judge**

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

*dutta*

14<sup>th</sup> December, 2022  
Cuttack

