IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) PIL No.7904 of 2026
CNR No.ODHC010084052026

Dharitri Mallik and another .... ***Petitioners***
Ms. Chinmayee Sutar, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties/Contemnors***
Ms. Aishwarya Dash, Addl. Standing Counsel

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN
ORDER
29.10.2026

Order No.

02. ***1.*** The petitioners, who are the villagers of different villages under Sadasivpur Gram Panchayat of Odapada Block in the district of Dhenkanal, have knocked the doors of this Court by way of filing the instant writ petition under Articles 226 and 227 of the Constitution of India for grant of following relief(s):

"It is therefore prayed that your Lordships shall be graciously pleased enough to admit the Public Interest Litigation, issue RULE NISI calling upon the opposite parties to show cause as to why direction shall not be given to the State administration to cause joint inspection regarding establishment of Compressed Bio Gas (CBG) Plant at Baulapur village and verify the compliance with sitting criteria, environmental clearance conditions and industrial safety norms and direct for immediate correcting measures to stop malodor and contaminations and

take appropriate steps to suspend or closure of operation of the said Compressed Bio Gas (CBG) Plant for ensuring protection of the health, safety of the public at large, considering the aforesaid facts and circumstances. If the Opposite Parties do not show cause or show insufficient cause the RULE NISI may be made absolute;

And pass any other order/orders, direction/directions, writ/writs as this Hon'ble deem fit and proper;

And for this act of kindness the petitioners are as in duty bound shall ever pray."

2. Heard Ms.Chinmayee Sutar, learned Advocate for the petitioners and Ms.Aishwarya Dash, learned Addl. Standing Counsel for the opposite parties-State.

3. This Court *vide* order dated 10.09.2026, directed the learned Addl. Standing Counsel to submit the report regarding the steps taken by the Tahasildar on the basis of the representation made by the petitioners on the next date of listing.

4. Pursuant to the said order, learned Addl. Standing Counsel furnished the report of the Collector-and-District Magistrate, Dhenkanal dated 16.10.2026 wherein it has been stated that the Tahasildar, Odapada conducted the field enquiry at Sudhadihakateni, Badabaulapur, Sanabaulapur, Tuviniali and Jhargadia and submitted his report *vide* Letter No.6019/Judl. Dated 30.09.2026, wherefrom it could be ascertained that, the CBG plant has been established over plots situated at Sudhadihakateni and Badabaulapur and the plant premises are surrounded by a boundary. The Tahasildar reported the

approximate distances of the plant from the nearby inhabitation and other establishments including Sudhadihakateni, Badabaulapur/Baulapurpatana, Sanabaulapur, NH-55, Tuvinali, Jhargadia as well as nearby school and temple.

4.1. The Tahasildar has further reported that the matter relating to pollution caused by the plant falls within the domain of the State Pollution Control Board, being the competent technical authority in the matter. The Regional Office, State Pollution Control Board, Anugola has also conducted a site inspection in connection with the complaints relating to the said CBG plant and as per the inspection report, the site inspection was conducted on 29.07.2026 in the presence of the representatives of the industry as well as the local villagers. The Regional Office, SPCB, Anugola has, *inter alia,* made following observations during the inspection:

"(i) The nearest habitation was found to be at an aerial distance of approximately 20 metres in the north-west direction from the plant boundary.

(ii) Sudhadihakateni Primary School was found to be at an aerial distance of approximately 278 metres.

(iii) NH-55 was found to be at an aerial distance of approximately 448 metres from the main boundary of the plant.

(iv) Foul odour/ smell was distinctly observed during the site visit, indicating the need for improvement in odour-management practices.

(v) The industry informed the inspection team that the CBG plant requires approximately 0.08 cusec of water per day

and that the process operates on a closed-loop water circulation system.

(vi) During the course of inspection, surface runoff discharge through small pipelines/holes along the boundary of the industry was observed, resulting in discharge towards the adjoining area."

5. As seen from the above that measures for rectification being instructed by the Regional Office, SPCB, no fruitful purpose would be subserved in keeping the matter pending. In view of the report submitted by the Collector-and-District Magistrate, Dhenkanal, the instant writ petition is disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

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Signature Not Verified
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Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 02-Nov-2026 16:49:19