

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

**W.P.(C) No.17639 of 2022**

***Shambhunath Mahanta and others*** .... ***Petitioners***

Ms. Ruha Latif, Advocate

*-versus-*

***State of Odisha and others*** .... ***Opposite Parties***

Mr. S. P. Mishra, Senior Advocate assisted by SK. Zafarulla,  
Advocate for Opposite Party No.4 and

Mr. Debakanta Mohanty, Additional Government Advocate for  
State

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE CHITTARANJAN DASH**

**ORDER**  
**21.09.2022**

**Order No.**

02. 1. One of the prayers in the present petition is that a direction should be issued to Opposite Party No.4 company to restrain it from discharging untreated effluents into the river Karo. An identical prayer was made before this Court in W.P.(C) No.11970 of 2012 by another set of villagers of village Nimtur in District Keonjhar, which was disposed of by this Court on 20<sup>th</sup> July, 2022 by the following order:

*“ 1. The villagers of Nimtur in District Keonjhar have approached this Court complaining of the discharge of untreated effluents by Opposite Party No.5 into the Karo river.*

*2. Although the notice was issued in this writ petition way back on 25<sup>th</sup> September 2012, till date notice has not even*

*been served on the Opposite Party No.5, which is the main contesting party.*

*3. The State Pollution Control Board has filed its counter affidavit stating that the Consent to Operate issued to Opposite Party No.5 is valid upto 30<sup>st</sup> March, 2016. It is stated therein that “the industry is not discharging any untreated waste water into river Karo nor does it have any waste water outlet to river Karo.” It is stated that the unit is complying with the air pollution control measures. This affidavit of the Pollution Control Board was filed way back on 17<sup>th</sup> July, 2013 and till date no rejoinder has been filed thereto.*

*4. Learned counsel for the Petitioner contends that even today, the situation is no different. However, no affidavit to that effect has been filed. Nevertheless, the Court is of the view that if the villagers have any continuing grievance against the allegedly polluting activities of Opposite Party No.5, it will be open to them to approach the National Green Tribunal in accordance with law.*

*5. The petition is accordingly disposed of.”*

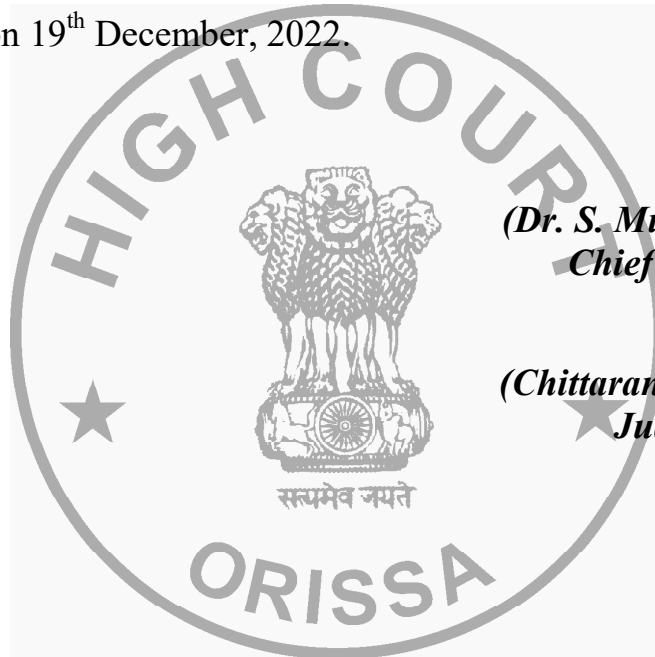
2. If according to learned counsel for the Petitioners, Opposite Party No.4 is still discharging untreated effluents into the river, it will be open to the Petitioners to approach National Green Tribunal, Kolkata Bench for appropriate reliefs.

3. As far as the other prayer is concerned, learned counsel for the Petitioners points out that there were representations given on 9<sup>th</sup> June, 2022 and 4<sup>th</sup> July, 2022 to the Collector and District Magistrate, Keonjhar (Annexures-1 and 5), but no action has been taken thereon.

4. Mr. Debakanta Mohanty, learned Additional Government Advocate states that he will take instructions whether the aforementioned representations have not been examined or not.

5. If the aforesaid representations have not yet been examined, the Collector is directed to give a hearing to the Petitioners as well as to Opposite Party No.4 and pass a reasoned order on the representations under Annexure-1 and the said order be placed before this Court with an affidavit before the next date.

6. List on 19<sup>th</sup> December, 2022.



*(Dr. S. Muralidhar)*  
*Chief Justice*

*(Chittaranjan Dash)*  
*Judge*

*M. Panda*