

SPECIAL LIST

THE HIGH COURT OF ORISSA, CUTTACK
LIST OF BUSINESS FOR SATURDAY THE 21ST MAY 2022

CHIEF JUSTICE'S COURT (2ND FLOOR)

AT 10:30 AM

THE CHIEF JUSTICE

AND

MR. JUSTICE R.K.PATTANAİK

This Bench will function through hybrid arrangement (virtual/ physical mode).

Learned counsel desirous of appearing through Virtual Mode shall intimate the name, item number, case details etc. to the Court Master through Mobile No.8763760499 between 8.00 P.M. to 10.00 P.M. on the previous date of the hearing of the case.

ALL COUNSEL AND PARTIES-IN-PERSON ARE REQUESTED TO TRY AND AVOID ADDRESSING THE JUDGES OF THIS BENCH AS 'MY LORD', 'YOUR LORDSHIP', 'YOUR HONOUR' OR WITH THE PREFIX 'HON'BLE'.

ANY OTHER FORM OF ADDRESS, CONSISTENT WITH THE DECORUM OF THE COURT, INCLUDING 'SIR', SHOULD SUFFICE.

FOR JUDGEMENT

1. WP(C)/7821/2006

RAGHUNATH JEW
V/S
STATE

M/S.H.N.MOHAPATRA,A.SAMANTARAY

FOR ADMISSION

2. WP(C)/6610/2006

(With Counter and Addl. affidavit by Op.1. MC No.11498/08 at Fl.B for extension of time to comply Order dtd.20.06.08, In this connection affidavit filed by Op.1. Affidavit by Op.1 at Fl.C. MC No.17411/14 at Fl.D for appr. order. MC No.20694/14 at Fl.E for appr. order/ extension of time to file Counter affidavit. MC No.1026/15 at Fl.F for extension of time to comply Order dtd.04.12.14 (In the mean time, Affidavit reg: compliance of Order dtd.04.12.14 at Fl.G.). Affidavit to Order dtd.09.02.15 at Fl.H. Model prison manual placed below. Minutes of Hon'ble Dr. Justice A.K.Rath at Fl.I may kindly be seen. Adv. for the petitioner Mr.S.K.Nanda could not be found to receive one set of Copies of letters(kept below). Letter No.6766 dtd.22.03.21 annexed as Annex-A. Letter No.6819 dtd.23.03.21 at Fl.A1. Format flagged as Annex-B. Letter No.1281(30) dtd.30.03.2021 flagged as Annex-C. Format flagged as Annex-D. Letter from Chairman, National RTI Forum at Fl.10 and letter from CHRI with prayer for appr. direction to Dist.

KRUSHNA PR.SAHOO
V/S
STATE

MR.SANTOSH KU.NANDA

ASC

Magistrate at Fl.11(registered as IA No.6455/2021 for intervention as per Order dtd.07.04.2021). Letter No.1336 dtd.06.04.2021 from Member Secy. , OSLSA at Fl.12. Letter No.528 dtd.30.03.2021 from Collector & DM, Nabarangpur at Fl.13. Letter No.587 dtd.07.04.2021 from Collector & DM, Nabarangpur at Fl.14. Letter No.3471 dtd.16.04.2021 from Collector & Dist. Magistrate, Bargarh is at Fl.15. Letter No.563, dtd.16.04.2021 from Dist. & Session Judge- cum- Chairperson, DLSA, Nuapada at Fl.16. Joint Report on surprise visit to Jails in Sambalpur Dist. at Fl.17. Letter No.464, Dtd.16.04.21 from Dist. & Sessions Judge- cum- Chairperson DLSA, Kendrapada at Fl.18. Letter No.910, dtd.19.04.21 from Chairman, Dist. Legal Services Authority, Keonjhar at Fl.19. Compliance report by the Secy., O.H.C. Legal Services Committee vide Order No.21, dtd.09.03.2021 at Fl.20. Fresh Compliance report from Member Secy., O.S.L.S.A. kept below at Fl.22 (Letter No.1724 dtd.26.04.2021) and another Letter No.1726 dtd.26.04.21 from the Same at Fl.23. Affidavit by principal Secy. to Govt. of Odisha at fl. 24. Report of surprise joint visit of Athagarh sub-jail by Addl. Dist. and sessions Judgecum-Chairman, TLSC at fl.25. Compliance Report by member Secy. OSLSA at fl. 26. Letter no. 568 dtd. 26.04.2021 at fl. 27. Letter no.47 dtd 26.04.2021 at fl. 28. Letter no. 701 dtd 27.04.2021 along with letter no. 51 dtd 26.04.2021 at fl. 29. Letter no. 574 dtd 26.04.2021 at fl. 30. (All letters/reports/affidavits kept separately below with the record). Letter No.4215, dtd.07.05.2021(Jail Visit report by Collector -D.M.- Dhenkanal) at Fl.31. Letter No.619, dtd.16.04.2021 by Secy., DLSA, Kalahandi, Bhawanipatna at Fl.32. Submission by Id. A.C. Mr.Mishra for dtd.12.05.2021 at Fl.33 tagged below the file. Addl. affidavit by Principal Secy. to Govt. in compliance of order no.26 dtd.31.05.2021 is at fl.34. Submission by amicus curiae dt.28.06.2021 is at fl.35. Letter No.4215 dt.07.05.2021 at fl.36. Affidavit by Principal Secy. filed on dt.14.07.2021 is at fl.37. Letter no.13263 dated 27.07.21 by D.G. of Prosons & DCS, Odisha is at

fl.38. Affidavit by Addl. Chief Secy. to Govt. of Odisha, Home Deptt. and D.G. of Prisons & Correctional Services is at fl.39. Status report by ld. AGA as mentioned in Para 4 not received. Copies of compilation filed by Mr.Mishra , ld. A.C. could not be served on counsel for other Parties as no receipt showing payment of usual charges received as mentioned in para 5. convenience note for 26.08.21 at FL'40". Affidavit by opp. no. 5(member secy. OSLSA,ctc) at FL '41'. recommendation for prison reforms by amicus curie dtd. 28.10.21 at FL'42'. convinience note by amicuc curie for dt. 01.11.21 at FL'43". Affidavit by D.G of prison in pursuance to order dtd. 26.08.2021 at FL'44'. letter no. 11773/21 dtd. 27.10.2021 received from collector & district magistrate, nabarangpur is at FL'45'. report by collector cum dist. magistrate, Bargarh is at FL'46'. compliance report of order dtd. 23.12.21 by member secy., O.S.L.S.A, cuttack at FL'47'.(report kept in packet with letter in it.). convience note for dtd. 22.03.22 by amicus curiae at FL'48'. letter no. 335 dtd. 14.02.2022 (joint jail visit report) at FL'49'. letter no. 111-100/21 2361 dtd. 25.02.2021 by collector & D.M, Bargarh at FL'49-A'. sub jail, padampur (prison inspection report) at FL'50'. sub jail, sohela (prison inspection report) at FL'51'. letter no. 163/VI-49/22 dtd. 28.02.2022 by Asst. Collector,collectorate, Malkangiri at FL'52'. Letter no. 946 dtd. 07.03.2022 by member Secy., O.S.L.S.A. at FL'53'. Affidavit by opp. no. 1 in compliance of order dtd. 23.12.21 at FL'54'. Letter No. 1140 dtd. 21.03.2022 received from Member- Secy., OSLSA, Odisha at FL'55'. Letter No. 026 dtd. 01.04.2022 from Madhyam, an N.G.O which has been registered as IA No. 4647/2022 at FL'56' for kind perusal of the Hon'ble the C.J. SR back after valid service of copy of order no. 37 dtd. 11.04.2022 on D.G. of prison, Odisha at FL'57'. letter no. 1448 dtd. 18.04.2022 received from member Secy., OSLSA in compliance of order dtd. 11.4.22 kept at FL'58'. In this regard soft copies of reports by DLSA Secretary on jail visit submitted through pen drive. affidavit by opp. no. 1 in pursuant to order no. 37 dtd. 11.04.2022 at FL'59'.

convenience note for 20.04.2022 at FL'60'.affidavit filed on behalf of opp. no. 1 in pursuance to the order dtd. 20.4.22 at FL'61'. convenience note dtd. 05.05.22 at FL'62'. confidential letter no. 26 dtd. 18.05.22 (enquiry report in W.P(C) 6610/2006) from Mr. P.K.Patra, Ld. District Judge, Angul at FL'63' in sealed cover. affidavit filed on behalf of opp. party no. 1 in pursuance to order dtd. 22.03.2022 at FL'64'. report from CHRI with annexures at FL'100'. Letter no. 14442 dtd. 02.05.2022 from Deputy Secretary to Govt. at FL'101'. Letter from Mr. Biswajit Mohanty, OSJS, Member Secy., OSLSA, Cuttack at FL'102' & '103' respectively.affidavit filed by the member Secy., OSLSA, Cuttack at FL'104'. pendrive with reports of Amicus curiae and reports of Secy., OSLSA kept in an envelope. documents by OSLSA in a sealed cover at FL'105'. pursuant to court's order no. 39 dtd. 05.05.22, compliance report from Secy., OSLSA received at FL'106' in a sealed cover.REG. PERSONAL APPEARANCE OF D.G OF PRISONS (MR. CHHABRA) IN VIRTUAL MODE. with 3 sets of citations of Hon'ble supreme court and pen drivesubmitted by Mr. Goutam Mishra (Sr. Adv.) in envelope kept in front. With Prison Manuals(2 sets) and paper book(2 sets). Letters /Reports kept below. THIS CASE WILL BE TAKEN UP AT 10.30 A.M.) Spec. Adj. WITH WP(C)/3368/2014 (With Counter by Ops.1 & 2, copy not served. A Copy of Letter from AIG of Prisons(Letter No.6766 dtd.22.03.21) annexed as Annex-A. Letter No.6819, dtd.23.03.2021 is at AnnexA1. Format at Annex-B. Letter No.1281(30) dtd.30.03.2021 as Annex-C. Format as AnnexD. Letter from Chairman, National RTI Forum at Fl.10 and Letter from CHRI (with humble prayer for appr. direction to D.M.) at Fl.11 (registered as IA No.6455/2021 in WP(C) No.6610/2006). Letter No.1336 dtd.06.04.2021 mfrom Member Secy., O.S.L.S.A. is at Fl.12. Letter No.528 dtd.30.03.2021 from Collector & D.M., Nabarangpur at Fl.13. Letter No.587/2021 dtd.07.04.2021 from Collector & D.M., Nabarangpur at Fl.14, kept separately for perusal. Letter No.3471 dtd.16.04.21 from the Collector & D.M., Bargarh at

KRUSHNA PRASAD SAHOO V/S MR.S.K.PADHI
STATE MR.G.MISHRA
AGA

Fl.15. Letter No.563, dtd.16.04.21 from the Dist. and Sessions Judge-cum- Chairman, DLSA, Nuapada at Fl.16. Letter No.568 (WE) dtd.23.04.21 from the Secretary, DLSA, Sambalpur at Fl.17. Letter NO.464, dtd.16.04.21 from the Dist. & Sessions Judge-cumChairman, DLSA, Kendrapara at Fl.18. Letter No.910, dtd.19.04.21 from the Chairman, DLSA, Keonjhar at Fl.19. Letter no.4215 dtd.07.05.2021 from the Collector & D.M, Dhenkanal is at fl.20. affidavit filed by the member secretary odisha state legal services authority, etc is at FL'X'. letter no. 2361 dtd. 25.02.22 from the Collector & Dist. Magistrate, Bargarh is at FL'21'.) Spec. Adj.

3. WP(C)/6109/2018

(A P.I.L MATTER. With Counter by Ops.1 & 2 and its Rejoinder by petitioner. With Addl. Counter by Ops.1 & 2. With affidavit filed by Op.3 in compliance to order dated 29.04.19. Addl. Counter affidavits filed by Ops.1 & 2. Addl. Rejoinder affidavit filed by the Petitioner. Addl. affidavit filed by Ops.1 & 2 to the Addl. Rejoinder. Addl. Counter affidavit filed by Ops.1 & 2. Addl. Counter filed by Ops.1 & 2. IA No.16865/19 is at fl.A for appr. order. IA No.8603/2021 at Fl.B for appr. order. Addl. Counter filed by Ops.1 & 2 filed. Further affidavit of OP.3 in compliance to order dtd.29.04.2019 is at fl.F.Additional counter affidavit dtd. 28.09.2021 filed by opps. 1 & 2. reply to Addl. counter affidavit filed by petitioner. a letter from the Registrar General addressing to the Deputy Registrar (Judicial) reg. confidential reports of DLSAs at FL'S'. Counter filed by Ops.1 & 2 . addl. counter affidavit by opp. no. 1 & 2. soft copies of entire set of reports and video clips received by both petitioner in person and Mr. L. Samantaray, (AGA) in pen drive. an affidavit by opp. no. 3 is at FL'M'.Order No.40, dtd.16.05.22 may kindly be seen.) Spec. Adj. WITH WP(C)/16602/2016 (with counter by opp. no. 3. rejoinder filed. copy not served. MC 15939/2016 at fl.A for app.order. affidavit by opp. no. 3 received. response of petitioner to affidavit on behalf of opp. no. 3 has been received.) Spec. Adj.

CHITTARANJAN MOHANTY CHITTARANJAN MOHANTY

V/S
STATE OF ORISSA

AGA, M/S.PRADIPTA KU. MOHANTY,
D.N.MOHAPATRA, J.MOHNATY,
P.K.NAYAK,S.N.DASH, P.K.PASAYAT,
P.MOHANTY

CHITTARANJAN MOHANTY CHITTARANJAN MOHANTY

V/S
STATE OF ODISHA

MR.S.K.NAYAK
B.P.SWAIN, D.NAYAK-A