

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18110 of 2021

Nishikanta Mishra

....

Petitioner

Mr. Sapan Kumar Pal, Advocate

-versus-

State of Odisha & Others

...

Opposite Parties

Mr. Ashok Kumar Parija, Advocate

General and Mr. M.S. Sahoo, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE S.K. PANIGRAHI**

ORDER

23.06.2021

Order No.

2. 1. This matter is taken up by video conferencing mode.
2. The issue regarding possible undercounting of Covid-19 deaths in the State of Odisha, which is sought to be highlighted in this petition, is a serious one. However, the Court has reservations about the manner in which the Petitioner who claims to be a member of the Bar for about seventeen years has gone about preparing the petition in haste, based on sketchy facts gleaned essentially from press reports. More seriously, he has made a representation to the Additional Chief Secretary (Health) by e-mail only on 16th June 2021, and without waiting for a response has chosen to immediately file this petition on 18th June, 2021.
3. Despite claiming to be a lawyer of more than 15 years' standing, the Petitioner has not chosen to examine Rule 8 of the Orissa High Court Public Interest Litigation Rules, 2010 and to explain in the petition itself

why he cannot fulfil the requirements therein. Therefore, while the Court is not inclined to entertain the present petition, the issue relating to undercounting of Covid 19 deaths is proposed to be taken up by this Court in the pending PIL concerning issues incidental to the outbreak of the Covid 19 pandemic i.e. W.P.(C) No.16072 of 2021 which is listed on 5th July, 2021.

4. Mr. Ashok Kumar Parija, learned Advocate General is requested to have Annexure-2 to the present writ petition, which is purported to be the details available on the website of the Chief District Medical Officer, Nayagarh regarding Covid 19 deaths in that District, examined. It is stated that the figure therein is far more than the official figure. The learned AG will inform the Court on 5th July, 2021 when W.P.(C) No.16072 of 2021 is taken up whether the issue of undercounting of Covid 19 deaths has been enquired into by the Additional Chief Secretary, Health and what is the factual position in that regard. The district wise position be placed before the Court on the next date in the said writ petition.

5. A copy of Annexure-2 to the present petition be placed in the file of W.P.(C) No.16072 of 2021 along with a copy of this order forthwith.

6. As far as the present petition is concerned, since it does not comply with the basic requirements of Rule 8 of the High Court PIL Rules, and has been filed in a casual manner with sketchy facts, the Court is not inclined to entertain the petition. The writ petition is accordingly dismissed.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

(Dr. S. Muralidhar)
Chief Justice

(S.K. Panigrahi)
Judge

Asish Kar /Lingaraj Behera

