



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15269 of 2026

Subrata Kumar Sahoo

....

Petitioner

Mr. Amartya Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite parties

Mr. Sanjib Kumar Swain, Additional Government Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR JUSTICE CHITTARANJAN DASH

ORDER

22.07.2026

Order No.

02.

1. Though the instant writ petition is not happily drafted nor contained the requisite materials to issue a writ of *mandamus* upon the Government to do a thing or forbid to do a thing, yet after hearing the learned counsel appearing for the petitioner, we find that the instant writ petition should not be dismissed in limine, certain vital aspect which though not explicitly and/or lucidly pleaded be brought to the notice of the Government.

2. The instant Public Interest Litigation flags an issue towards the indiscriminate use of milk powder (supplement) despite the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 being in place. The said Act was promulgated to regulate the production,



supply and distribution of the infant milk substitutes, the feeding bottles and the infant foods so that it will promote and encourage the breastfeeding, which is a natural source of sustenance to the neonatal children.

3. There is no iota of doubt nor any debate require that the mother's milk is the best food for the development of the neonatal child or the infant child but there may be situations where for survival of the said neonatal child or the infant child, the supplement in the form of milk/food is required. Obviously, the use of the supplement should be regulated and not to be used for all time to come.

4. The aforementioned Act reflects the solemn objectives and encompasses the regulatory measures including the prohibitions in advertising or taking part in the publication or the advertisement without any requisite information to be printed on the containers or the packets sold in the market.

5. The *summum bonum* of the said Act is to curb the advertisement, publications and/or indiscriminate distributions and sale of the said supplement as it would corrode the very object of promoting the breastfeeding. The petitioner highlights that the peoples of the State is indiscriminately using the supplement as the



same is readily available in every nook and corner of the State but we do not find any materials corroborating the above aspect. The Act has already been promulgated containing an exhaustive provisions encompassing the variety of the aspects relating to milk supplement and we feel that the State will take all possible steps as provided in the said statute.

6. We trust and hope that the State will put each and every provision of the said Act to its reality by virtue of an implementation and if the situation so arises, shall take all possible steps against the persons found violating such provisions.

7. It would be an idle exercise to keep the instant writ petition pending. With the above observations, the instant writ petition is disposed of.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

Sisira

Signature Not Verified

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Signed by: SISIRA KUMAR BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
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