

06. 20.10.2020 Registrar (Judicial) : Petitioner
Orissa High Court
State of Odisha : Opp. Parties

ORDER

The matter is taken up by video conferencing mode.

This suo motu writ petition has been instituted by Registrar Judicial, Orissa High Court taking into consideration the newspaper report relating to a lot of inconvenience faced by the public in general in Cuttack City, mainly the pedestrians while moving in the roads/lanes/bylanes on account of pitiable condition of the road inside the city and also snapping up electric cables and telephone cables, damaging of the underground drinking water pipes at many places and thereby hampering the supply of potable water, on account of the drainage and sewerage projects of Cuttack city undertaken by a Japanese governmental agency, i.e., Japan International Corporation Agency (JICA) since more than seven years and, as such, in spite of assurance given by the JICA authorities from time to time to the State Administration to complete the project work at the earliest, it appears that no such progress has undertaken and the same remains stand still position.

Earlier, OJC No.6721 of 1999 was filed by one Prasanta Kumar Das indicating various problems faced by Cuttack city public in pursuance of his grievance in shape of a letter to this Court, which was entertained as writ petition and from time to time this Court passed various orders to retrieve

public problems faced by the people of Cuttack city for leading a decent and dignified life. Some of the problems have been sorted out by virtue of the orders passed by this Court on different occasions and some of the problems are still persisting, for which this Court has been passing orders and seeking compliance thereof from the competent authorities. The said writ petition was disposed of by this Court vide order dated 20.07.2018, as by that time 18 years have lapsed and many orders have been passed. This Court in the said writ petition held that for different grievances, different writ applications should have been filed so as to regulate the same in a proper manner, as in one writ petition, claiming for reliefs by filing different misc. cases for different cause of action and non-compliance thereof, is inevitable. The said writ petition was disposed of granting liberty to the petitioners to file separate writ petition, if so advised, in accordance with law, if any cause of action still survives.

The present writ petition is in continuation of cause of action survives in the earlier writ petition, i.e., OJC No.6721 of 1999, wherein by virtue of the order passed by this Court from time to time, roads and lanes are being maintained by the respective authorities and more so undertakings have been given before this Court by the JICA authorities to complete the work at the earliest. This writ petition has been filed on 20.01.2020 and during this period the situation has become precarious and more so there was no cleaning of garbages done by Cuttack Municipal Corporation, roads are not being maintained, which causes serious difficulties to the inhabitants of Cuttack city. Apart from the same, JICA is not completing its project and day by day damages have been

caused to the roads of Cuttack City and more so during rainy season due to water logging, the entire city is submerged with water. In this writ petition, this Court issued notice to the opposite parties on 20.01.2020 and in compliance of the same, on 03.02.2020, Mr. Basanta Kumar Parida, Project Director, OISIP, JICA, OWSSB, Cuttack and Mr. Tara Prasad Mishra, Superintendent of Engineer, Cuttack (R&B) Circle, Cuttack were present in Court. They have also filed their respective affidavits, but the affidavit filed by opposite party no.4-Project Director, JICA has been ignored as not pressed. On the said date this Court directed the Project Director, JICA that wherever in the wards, the progress percentage of work is 80% or above, every endeavour would be taken to complete the same within a period of one month and an affidavit be filed to that extent by the next date. Further, as regards the construction of box type drain, the Project Director stated that even though tender was cancelled, steps have been taken to float fresh tender within a period of 15 days. But what is the present position has not been intimated to this Court and, as such, due to non-flowing of drainage water, the people of Cuttack city are suffering from 'jundice' by consuming contaminated water.

Thereafter, when the matter was listed on 17.02.2020, Mr. Basanta Kumar Parida, Project Director, OISIP, JICA, OWSSB, Cuttack appeared in person and filed an affidavit stating that so far as the desilting and cleaning works of main storm water canal as well as the subsidiary storm water canal running between Seminary High School Chhak and Kesharpur touching main storm water canal-I is concerned, it is to be conducted from 1st week of March by using desilting JCB

machines and also by manually within a day or two after clearance of the water canal from the respective areas, the roads would be cleaned. Even though such undertaking was given, but no action has been taken nor any desilting and cleaning works undertaken so far it relates to main storm water canal. As such, garbages are being stored in different places without having safe cleaning which emits pungent smell making difficult to live with hygienic condition.

Similarly, on the said date, i.e., 17.02.2020 the Commissioner of Cuttack Municipal Corporation submitted that so far as drains in different wards of Cuttack town are concerned, the desilting and cleaning works of all the drains in the area under Cuttack Municipal Corporation limits in Cuttack city are under progress and steps were being taken, so that slit removed from drains which are dumped closer to the drains were removed within a day or two so as to prevent its way back to the drains and she assured that before arrival of monsoon season, all the drains would be cleaned, repaired and maintained properly.

Thereafter, when the matter was taken up on 06.03.2020, Mr. Basanta Kumar Parida, Project Director, OISIP, JICA, OWSSB, Cuttack-opposite party no.4 also filed an affidavit regarding progress of sewerage and drainage works. It was stated in the affidavit that desilting and cleaning works or main storm water channel-1 would be done from 1st March 2020 to 30th April, 2020 and that of Channel-2 would be done from 15th March, 2020 to 15th May, 2020. But, as it appears, such commitments have remained in pen and paper and nothing has been transmitted to action for the betterment of the public of Cuttack city. As a matter of fact,

before commencement of Durga Puja, at least roads of Cuttack city are to be repaired and maintained because by that time mostly the monsoon season would be over. In any case, in this year due to unfortunate pandemic COVID-19 situation and frequent lockdown, the works could not be expedited. But soon after lockdown was unlocked, it was incumbent upon the authority concerned to expedite the work to give better living to the inhabitants of Cuttack city. But there is no proper maintenance of roads, cleaning of garbages, proper supply of water and sanitization, which are basic needs of the people and, as such, tax payers money should be utilized for development of the citizens who are entitled to get the benefit of healthy living. There is no iota of doubt that Article 21 of the Constitution of India gives right to the citizens to live with dignity. To have a dignified life, basic minimum requirement has to be satisfied, as right to livelihood is an integral facet of life.

In the above backdrop, this Court directs the District Magistrate-cum-Collector, Cuttack, Commissioner, Cuttack Municipal Corporation, Project Director, OISIP, JICA, OWSSB, Cuttack and Superintending Engineer, Roads and Building Circle, Cuttack to file their respective affidavits with regard to progress of works, so far relates to maintenance of roads, removal of garbages, cleanliness of atmosphere of Cuttack city, chanalization of storm water and supply of purified water to the inhabitants of Cuttack city by 10.11.2020. They are also directed to appear in person through video conferencing mode on the scheduled date.

The matter to come up on 10.11.2020 as a lead case connecting the records of W.P.(C) No.27720 of 2020.

A free copy of this order be handed over/communicated each to District Magistrate-cum-Collector, Cuttack, Commissioner, Cuttack Municipal Corporation, Project Director, OISIP, JICA, OWSSB, Cuttack and Superintending Engineer, Roads and Building Circle, Cuttack for necessary compliance.

As COVID-19 situation is continuing, learned counsel for the petitioner may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587, dated 25.03.2020.

Alok/Ashok

(Dr. B.R. Sarangi)
Judge

(Mohammad Rafiq)
Chief Justice