

**W.P.(C) SUO MOTU (PIL) No. 2140 of 2020**

07. 10.11.2020

Registrar (Judicial) : Petitioner  
Orissa High Court

Mr. P.K. Bhuyan, Advocate : For JICA

Mr.S.K.Nayak, Sr. Advocate : For CMC  
along with Mr. D.Nayak,  
Advocate

Mr. M.S. Sahoo, AGA : For State opp. parties

**ORDER**

The matter is taken up by video conferencing mode.

In compliance of order dated 20.10.2020, Mr. B.S. Chaini, Collector, Cuttack; Mrs. Ananya Das, Commissioner, Cuttack Municipal Corporation; Mr. Basanta Kumar Parida, Project Director, EIC, OISIP, JICA, OWSSB, Cuttack; and Mr. Tara Prasad Mishra, Superintendent Engineer (R&B), Cuttack appeared in person through video conferencing. We have heard them and Mr. P.K. Bhuyan, learned counsel appearing for JICA; Mr. S.K. Nayak, learned Senior Counsel appearing along with Mr. D.Nayak, learned counsel for Cuttack Municipal Corporation; and Mr. M.S. Sahoo, learned Addl. Government Advocate appearing for the State through video conferencing.

Taking into consideration precarious condition of the Cuttack city with regard to cleaning of garbages done by Cuttack Municipal Corporation, maintenance of road and non-completion of the project of JICA, the issues have been taken up on priority basis.

**Completion of Project by JICA:**

- (1) Mr. Basanta Kumar Parida, Project Director, EIC, OISIP, JICA, OWSSB, Cuttack had categorically stated in his affidavit 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. So far as construction of box type drain is concerned, it was contended that even though tender had been cancelled, steps have been taken to float fresh tender within a period of 15 days and, as such, due to non-flowing of drainage water, the people of Cuttack city are suffering from 'jundice'. To this, reply has been given that all endeavours have been made to complete the work, as undertaken before this Court. So far as 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 stated that the same has also been completed. To that extent, earlier he had filed an undertaking before this Court. On 06.03.2020, when the very same Project Director filed an affidavit regarding progress of sewerage and drainage works had undertaken that desilting and cleaning works of main storm water channel-1 would be done from 1<sup>st</sup> March 2020 to 30<sup>th</sup> April, 2020 and that of Channel-2 would be done from 15<sup>th</sup> March, 2020 to 15<sup>th</sup> May, 2020, and on today also appearing in person he emphatically submitted that he has already performed his job, but the ground reality is totally different than that of the

affidavit filed by Mr. Parida. Therefore, we are of the considered view that unless the situation improves by taking necessary steps for desilting and cleaning works of main storm water Channel-1 and Channel-2 and remove the garbage for free flowing of the water in the drain, the authority concerned may face difficulties and this Court will be constrained to take some drastic steps for the purpose and, more so, this Court may construe that Mr. Parida had filed the affidavit to mislead the Court, for which he may face consequences in accordance with law. Thereby, this Court gives an opportunity to JICA authority to do the needful as expeditiously as possible so far as these works are concerned.

- (2) So far as construction of box type drain is concerned, it is contended by the Project Director Mr. Parida that steps have already been taken, but as it appears nothing has been placed on record to that extent and since rainy season has already passed this Court called upon JICA authority to take immediate steps for construction of box type drain as undertaken earlier. As it reveals, earlier the Project Director had stated that even though the tender was cancelled, steps have been taken to float fresh tender within a period of 15 days, but that having not been done, this Court takes a serious view in such matter and holds that it is expedient on the part of JICA authority to do the needful and file an affidavit to that extent on the next date.

**Removal of garbage:**

The Commissioner, Cuttack Municipal Corporation on 17.02.2020 had stated 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 and that dumped closer to the drains were removed within a day or two. But as it appears, the same has not been carried out as undertaken by the Commissioner. Thereby, an opportunity is given to the Commissioner to do the needful for removal of the garbage and to have a cleanliness of the town steps should be taken to keep the city clean. As such, the Collector, Cuttack, who is in charge of Cuttack Municipal Corporation and the Commissioner, Cuttack Municipal Corporation are directed to see that garbage are removed from the main roads, byroads, lanes and gullies of Cuttack town, otherwise serious view will be taken by this Court. More so, there must be proper supply of water and sanitization by the Cuttack Municipal Corporation.

**Maintenance of roads:**

Both R&B and Cuttack Municipal Corporation are directed to repair the roads immediately and file an affidavit with regard to progress of such work by the next date.

The matter to come up on 14<sup>th</sup> December, 2020 as a lead case connecting records of W.P.(C) No.27720 of 2020 to it.

Respective affidavits shall be filed with regard to progress of the work, as indicated above, by the next date.

Personal appearance of the above named officers is dispensed with for the time being.

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.