

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**SUO MOTU W. P. (C) PIL No.2140 of 2020**

**Registrar (Judicial),** ..... **Petitioner**  
**Orissa High Court, Cuttack**

Er. N.K. Mohanty, Amicus Curiae

-versus-

**State of Odisha and others** ..... **Opposite Parties**

Mr. Debakanta Mohanty, AGA,  
Mr. Debasis Nayak, Advocate for CMC-O.P. No.2,  
Mr. Sailaza Nandan Das, Advocate for Odisha Water Supply &  
Sewerage Board,  
Mr. P. K. Bhuyan, Advocate for JICA (O.P. Nos.3 and 4)

**W. P. (C) No.24740 of 2023**

**Debasis Rout** ..... **Petitioner**

Ms. Padmalaya Mohapatra, Advocate

-versus-

**State of Odisha and others** ..... **Opposite Parties**

Mr. Debakanta Mohanty, AGA,  
Mr. Debasis Nayak, Advocate for CMC-O.P. No.4,  
Mr. Sailaza Nandan Das, Advocate for Odisha Water Supply &  
Sewerage Board (O.P. No.3)

**CORAM:**

**ACTING CHIEF JUSTICE DR. B. R. SARANGI**

**MR. JUSTICE MURAHARI SRI RAMAN**

**ORDER**

**06.12.2023**

**Order No.**

31.

1. In compliance with the order dated 22.11.2023 an affidavit is filed on behalf of Opposite Party No.2-Cuttack Municipal Corporation. In paras 3 and 4 thereof state as follows:

“3. That, it is humbly submitted that the progress relating to road works under Mukhya Mantri Karma-tatpara Abhiyaan (MUKTA) Scheme in Cuttack City as detailed in Paragraph-5(a) of the earlier affidavit dated 22.11.2023 (ANNEXURE-U/2) is as follows:

a. As on date, out of 367 numbers of works, work orders have been issued for 258 numbers of works as against work orders issued for 230 number of works by 22.11.2023. The work orders for the balance 109 works will be issued before 31.12.23 and the works will be completed by 29.02.2024;

b. Out of the 258 numbers of works for which work orders have been issued, 52 works are in completion stage as against nil works by 22.11.2023. These 52 works will be completed by 13.12.2023. The balance 206 works will be completed by 15.02.2024.

4. That, as regards the progress in the second project involving sixty (60) number of works for construction of paver block roads to replace the existing Kutchha, WBM roads and broken roads in the outlying wards of the CMC area including Sikharpur, Jagatpur, Nuabazar, etc. as detailed in ANNEXURE-V/2 in the affidavit dated 22.11.2023, tenders have already been floated for all the said works whereas by the last date (22.11.2023), tenders were under process after administrative approval. After opening of the tenders shortly, the said works will begin by 31.12.2023 and will be completed in a phased manner by 30.04.2024.”

2. The Superintending Engineer, Cuttack R & B Division No.I files an affidavit in Court today. In paras 2 and 3, it has been stated as under:

“2. That in the earlier affidavit at para-3 it was mentioned that the Cuttack R & B Division No.1 has floated tender for renewal of 8 nos. of stretches (5.30 KM) as per tender notice and the said tender will be opened on 08.12.2023. In the meanwhile R & B Division No.1 has again floated tender for 12 no of stretches (10.339 KM) and copy of the said

tender call notice dt. 30.11.2023 is annexed hereto as **ANNEXURE-B/2**.

3. That as aforesaid for complete renewal of 20 no. of stretches (15.639 KM) tender call notice have been issued and very soon the work order will be issued and the renewal work of those stretches of roads will be completed.”

3. The Superintending Engineer, Cuttack R & B Division No.II also filed an affidavit in Court today. Paras 3 and 4 states as under:

“3. That so far as the condition of the PWD roads within the area of R & B Division No.II, the same are maintained but at a particular place i.e. from Press Chhak to Nuapada, damage has been caused by TPCODL which was repaired by their team, but as the repairing work has not been done as per R & B standard of specification, hence TPCODL by letter No.1939 dt. 04.12.2023 requested the Superintending Engineer, R & B Division No.II to repair the road and submit the estimated cost. A copy of the said letter is annexed hereto as **ANNEXURE-C/1**.

4. That similarly in two locations of the same road the road has been damaged due to digging of sewerage chamber by JICA, the photograph is annexed as **ANNEXURE-D/1**. The said damage road will be restored by JICA and thereafter the R & B Division No.II would undertake the renewal work on the said road.”

4. In view of the above, this Court is of the considered view that the affidavits sworn by the respective officers are not correct and on verification of physical position of the places, the repair work has not been done and as such whatever repair work done by the opposite parties is inadequate and just an eyewash to this Court. More so where the reconstruction work is required to be done, it is

stated that the tender has been floated and time was sought till 31<sup>st</sup> March, 2023 to complete the entire work.

5. Let the Opposite Parties proceed with the tender process to which this Court has not expressed any opinion but this Court is concerned about the proper construction of road and wellbeing of the locality and the work must be done properly so as to cater the needs of the public at large. Any deviation anywhere, the persons who are in hell of affairs of conducting the work has to face the difficulty. As such, this Court wants details of the work undertaken by the respective departments and more particularly the area to be covered where the work has been done and where the work is going to be undertaken. The details of the same should be filed by way of an affidavit by the next date.

6. Call this matter on 20.12.2023.

**(DR. B. R. SARANGI)**  
**ACTING CHIEF JUSTICE**

**(M. S. RAMAN)**  
**JUDGE**

*S.K.Jena/Secy.*