

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

and

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

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

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

Er. N.K. Mohanty, Amicus Curiae

-versus-

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

Mr. Debakanta Mohanty, A.G.A. for the State

Mr. Debasis Nayak, Advocate for CMC

Mr. S.N. Das, Advocate for OWSSB

Mr. P.K. Bhuyan, Advocate for JICA

Mr. L.K. Moharana, Advocate for TPCODL

Mr. P.C. Nayak and Mr. Saroj Padhy, Advocates for  
Committee of Advocates

In 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, A.G.A. for the State

Mr. Debasis Nayak, Advocate for CMC

Mr. S.N. Das, Advocate for OWSSB

**CORAM:**

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

**MR. JUSTICE MURAHARI SRI RAMAN**

**ORDER**

**20.12.2023**

**Order No.**

32. 1. This matter is taken up through Hybrid mode.
2. Er. N.K. Mohanty, learned Amicus Curiae produces a status report in respect of the box drain (JICA Works as on 21.11.2023)

where he has reported that 77% of the works has already been completed till date. The works of culvert near Prabhat Cinema and Bajrakabati are in progress. Diversion road near Prabhat Cinema is provided to only for pedestrians and two-wheelers and left side of Bajrakabati culvert is opened for traffic and right side of the culvert has been dismantled. He has further reported that the culverts near Prabhat Cinema and Bajrakabati are expected to be completed by 10.01.2024 and 20.01.2024 respectively though the Police Commissioner has given permission up to 10.01.2024. It has also been reported that all efforts have been made by WATCO to complete the box-drain of 2590 meters by 31.03.2024 as 1987 meters out of the same have already been completed as on date and balance 603 meters are to be completed on or before 31.03.2024.

3. Mr. Satyabrata Mohanty, learned counsel appearing for the Intervener contends that initially the estimate was made to have the box-drain from Samaj Office to Matru Bhawan, but now the box-drain is going to be completed from Samaj Office to Chhatrabazar leaving the area from Chhatrabazar to Matru Bhawan and as such, leaving the same as open space will cause immense difficulties to the local public.

4. In reply to the above contention, Er. N.K. Mohanty, learned Amicus Curiae contends that the same will remain open as it is not practically possible to have the box-drain from Chhatrabazar to Matru Bhawan because of the reason that there are buildings standing both the sides of the drain and in the event, any work is undertaken there, it will damage the buildings. Therefore, keeping in view the safety of the buildings standing both the sides of the drain, a discussion has been made with the local Corporator who has also supported that instead of going for any box-drain if the steps can be taken for closed-drains then it may suffice the purpose.

5. Mr. Satyabrata Mohanty, learned counsel appearing for the Intervener states that he will provide the technical knowhow how to have the closed-drain instead of going for box-drain and in the event, the construction of closed-drain is possible, then the same will be considered in accordance with law by the WATCO.

6. So far as the construction of roads is concerned, the Advocates' Committee have expressed that as per list provided, in some places works are going on and in some places, there are stacking of materials and no works have been done till date and even if the works have been done, those are not of qualitative in nature, rather by stacking of sands and paver blocks, roads are being blocked

causing immense difficulties to the public for commuting on the said roads.

7. However, this Court is not inclined to accept such evasive statements made by the Advocates' Committee rather they have been directed to give a detailed reply on the basis of the works to be undertaken by R & B and also the Municipal authority separately. List of such roads have been given to the Advocates' Committee and they have undertaken to give the list-wise work done by the R & B and also the Municipal authority by the next sitting.

8. So far as the cleaning of town, slaughter house and mosquito eradication is concerned, Mr. Debasis Nayak, learned counsel appearing for the CMC states that they have already undertaken the cleaning work, but with regard to the manner of cleaning, closure of slaughter house and mosquito eradication, he seeks time to take further instructions from the Deputy Commissioner, Sanitation and the Health Officer, who will file affidavit to that effect by the next sitting.

9. Mr. Debakanta Mohanty, learned Additional Government Advocate for the State contends that on the basis of the report furnished by the Advocates' Committee, he will file necessary reply to the same by the next sitting.

10. Mr. L.K. Moharana, learned counsel appearing for TPCODL is directed to take necessary instructions and also file affidavit with regard to the maintenance of the lifeline wires and also supply of power by underlying the cables.

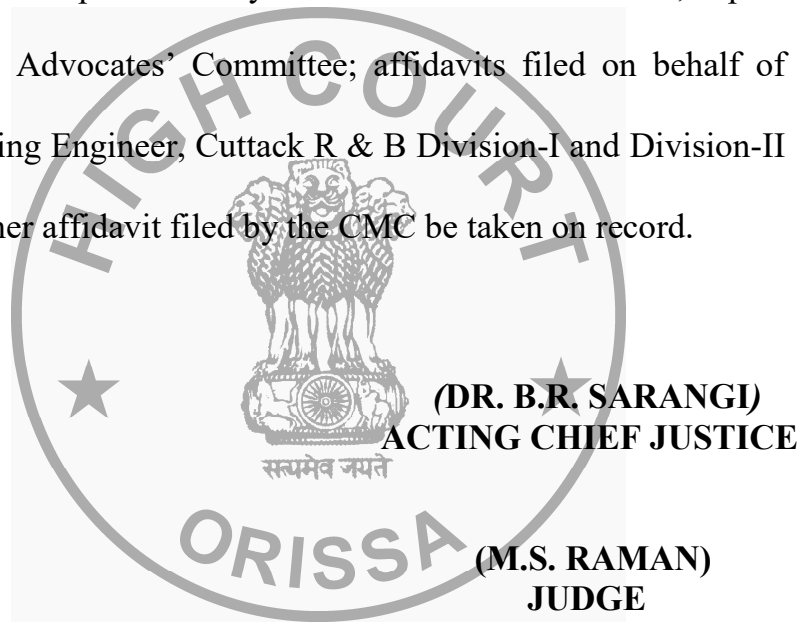
11. Needless to say that while doing so, the TPCODL authorities have to get permission from the Municipal authority as well as R & B authority and the expenditure incurred on this account should be recovered from the said authorities. Without making any consultation, no work should be undertaken. To that extent, the affidavit shall be filed by the TPCODL by the next sitting.

12. Mr. Dambarudhar Panda, Manager, WATCO is personally present before this Court and states that out of 97,000 consumers, the metering has been completed in respect of 55,000 consumers and the balance will be completed by 31.05.2024 and it has also been stated that the WATCO will supply water 24 X 7 hours to the consumers. It is further contended that out of 55 zones, metering in 22 zones have been completed where water supply is being given 24 X 7 hours, but where the work is now being undertaken, it will take some time to provide such facility. It has also been undertaken that such work will be completed by 31.05.2024.

13. While laying pipelines, the WATCO authority shall take necessary instructions from the Municipal authority as well as R & B authority so that the proper maintenance of the road can be made and the expenditure incurred on this account should be recovered from the said authorities.

14. List this matter on 11.01.2024.

15. The status report filed by the learned Amicus Curiae; report filed by the Advocates' Committee; affidavits filed on behalf of Superintending Engineer, Cuttack R & B Division-I and Division-II and the further affidavit filed by the CMC be taken on record.



*S.K. Guin/PA*