

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)
Mr. Satyabrata Mohanty, Advocate (Intervener)
Mr. L.K. Moharana, Advocate (TPCODL)
Mr. P.C. Nayak and Mr. Saroj Padhy, Advocates
for Committee of Advocates
Mr. Sreejit Mohanty, Advocate

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

11.01.2024

Order No.

33.

1. In compliance with the order dated 20.12.2023, Mr. Satyabrata Mohanty, learned counsel appearing for the interveners files an affidavit in Court today with regard to technical information and assessment of the closed drain concept instead of box drain. The copy of the said affidavit be served on learned Amicus Curiae for the

petitioner as well as the counsel appearing for the Opposite parties i.e. State Government, Cuttack Municipal Corporation, JICA, WATCO and TOCODL.

2. Mr. P.K. Bhuyan, learned counsel appearing for WATCO sought some time to examine the said affidavit. Learned counsel appearing for the respective opposite parties wants to take instruction and file further affidavit on the next date.

3. The Advocates' Committee files two reports in Court today regarding the works undertaken by the Government of Odisha, R & B Department and also the Cuttack Municipal Corporation. The Committee has pointed out certain defects on the work undertaken by the concerned departments and also laches on the part of the executing agencies. They pointed out that the same should be remedied immediately.

4. The copy of such reports of the Advocates' Committee be served on learned counsel appearing for the State as well as the CMC for remedial measures.

5. Both the counsel for the State and CMC sought time to verify the said reports and file affidavit with regard to the work undertaken and the defects pointed out by the Advocates' Committee.

6. Mr. Debasish Nayak, learned counsel appearing for the CMC also files an affidavit in Court today. The said affidavit is taken on record. So far as sanitation and closure of slaughter house and mosquito eradication are concerned, it is contended that due to shortage of manpower, the works could not be done by CMC. Now the efforts have been made to do the same with the help of some outsourcing

agencies. Though decision has not yet been taken, the matter requires to be taken care of by the CMC. The shortcomings which have been pointed out that will also be eradicated very shortly.

7. Mr. Debakanta Mohanty, learned Additional Government Advocate for the State-opposite parties states that the reports submitted by the Advocates' Committee will be scrutinized and also effective steps shall be taken to solve the same as expeditiously as possible.

8. Mr. L.K. Moharana, learned counsel appearing for the TPCODL states that he will take necessary instructions with regard to the underlying cables for electricity supply to the city and also states that TPCODL drawing the lifeline wires on consultation with other departments. As and when it is necessary, it will also adhere to the provisions of law.

9. Mr. P.K. Bhuyan, learned counsel appearing for the Opposite Party-WATCO states that he has received the affidavit filed by Mr. Satyabrata Mohanty, learned counsel for the intervener. To that extent, he wants to take instruction and file necessary affidavit on the next date.

10. Needless to say, since the officials of various departments who are connected with the developmental work of Cuttack city are present in the Court, this Court expresses its view that they should render the work scrupulously so that the laches which have been pointed out by the Advocates' Committee and other information available on record should not recur. It is the moral responsibility of the authority concerned to see that the people of Cuttack, who are the tax payers, should live comfortably. Any shortfall of any work, if may so happen,

the concerned officials will be held responsible and action will be taken against them, if they do not adhere to the provisions of law.

11. Call this matter on 08.02.2024. The affidavits be filed in the meantime by the concerned officials.

12. The personal appearance of the officers' present in Court today is dispensed with for the time being. Learned counsel appearing for the parties are directed to assist the court on the next date.

I.A. No.424 of 2024

13. Mr. Abhisek Mohanty has filed this application for intervention stating some unhygienic situation in Ward No.50 under CMC. To that effect, he has already made the grievance before the Collector and District Magistrate, Cuttack as well as the Commissioner, Cuttack Municipal Corporation. All the grievances have been filed in Court today along with a memo.

14. The copy of the said memo along with all the documents be served on Mr. Debasish Nayak, learned counsel appearing for the CMC, who shall take instruction and file an affidavit on the next date.

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

(M. S. RAMAN)
JUDGE

S.K.Jena/Secy.