

**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 for R & B Department,

Mr. Debasis Nayak, Advocate for

Cuttack Municipal Corporation (CMC)-O.P. No.2,

Mr. Sailaza Nandan Das, Advocate  
for Odisha Water Supply & Sewerage Board,

Mr. P. K. Bhuyan, Advocate for  
Water Corporation of Odisha (WATCO),

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

**CORAM:**

**THE CHIEF JUSTICE**

**MR. JUSTICE ARINDAM SINHA**

**ORDER**

**12.02.2024**

**Order No.**

34.

This matter is taken up through Hybrid mode.

2. Mr. N. K. Mohanty, learned counsel and the Amicus Curiae has submitted before this Court a Status Report on Box Drain (JICA Works) as on dated 10.02.2024, which is taken on record. The relevant portion of the said status report reads as under:

*“I have gone through the Affidavit submitted by the Advocate for Intervener. Discussed with CEO WATCO on*

*Dt:-06.02.2024 at 2:30 PM to 3:30 PM in his Office Chamber at Bhubaneswar. I have also visited the site on dt:-07.02.2024 and discussed with concerned Engineers in the site of Box Drain.*

*2. It is learnt that all works of Box Drain from Patapola to Professor Pada (2396 meters) will be completed by Dt:20.02.2024 and rest 194 meters Box Drain from Professor Pada to Chhatra Bazar Culvert will be taken from Dt:-15.02.2024 and will be completed by Dt:-31.03.2024.*

*3. Works of Open Drain 810 meters are just started and as per CEO's verbal information, it is expected to be completed by Dt:-31.12.2024.*

*4. Regarding covering the Open Drain, the detailed study and examination needed by Technical Committee of WATCO and consultant of JICA. CEO of WATCO informed during discussion on Dt:-06.02.2024 that he will take up matter with Government of Odisha, Urban and Housing Department after the Technical Committee of WATCO and consultant of JICA discussed the matter and submitted their views.*

सत्यमेव जयते

Sd/-

Er. N. K. Mohanty  
(Amicus Curiae)"

3. Mr. Debasis Nayak, learned counsel representing the Cuttack Municipal Corporation (CMC) and Mr. Debakanta Mohanty, learned Additional Government Advocate (AGA) for the State of Odisha, Department of Roads and Buildings do not dispute what has been mentioned in the aforesaid status report. Learned AGA has informed this Court that an affidavit has been filed online on behalf of the Roads

and Buildings Department today itself, which is not there on record. The office is directed to trace out the same and place it on record. Learned counsel for the CMC also proposes to file an affidavit giving the latest status.

4. From the submissions advanced on behalf of the parties in the present public interest litigation, it appears that there is some sense of dissatisfaction over the Opposite Parties' decision to have open drain of 810 meters. It has been argued that keeping the said part of the drain open will not serve the public purpose and if it is not technically feasible to have box drain over the said length, the Opposite Parties should consider covering it. Mr. P. K. Bhuyan, learned counsel representing the Water Corporation of Odisha (WATCO) submits that the technical aspect of covering open drain expected to be completed by 31.12.2024 shall be examined in consultation with Japan International Corporation Agency (JICA).

5. List this matter on 02.04.2024.

***(Chakradhari Sharan Singh)***  
***Chief Justice***

***(Arindam Sinha)***  
***Judge***

*M. Panda*