



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 & others Opp. Parties

*Mr. Debakanta Mohanty, AGA
for R & B Department*

*Mr. Debasis Nayak-A, Advocate
for CMC*

*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-1,
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

*Mr. Sukanta Kumar Dalei,
Advocate*

CORAM:
JUSTICE S.K. SAHOO
JUSTICE V. NARASINGH



Order No.

ORDER
02.05.2024

38. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

It is brought to our notice that by order dated 14.12.2020, this Court has constituted a Committee to act as Court Commissioner to assist this Court.

We think it proper to include the President and Secretary of the High Court Bar Association in this Committee to assist us in their official capacity for effective adjudication.

BOX DRAIN

First we took up the issue relating to Box Drain.

Relating to construction of Box Drain from Patapola to Chhatra Bazar, status report dated 18.04.2024 has been submitted by Er. N.K. Mohanty, learned Amicus Curiae wherein it is indicated that out of 2590 meters of length, construction work of 2520 meters have been completed and balance 70 meters work will be completed by 10.05.2024.

There is no dispute that WATCO, Bhubaneswar has been assigned the work of construction of Box Drain.

It is stated at the Bar that there is bereavement in the family of Mr. P.K. Bhuyan, learned counsel for WATCO for which he is not present today.

Let the C.E.O., WATCO file an affidavit vis-à-vis the status report dated 18.04.2024 filed by the learned Amicus Curiae indicating the time frame for completion of



the construction of Box Drain from Patapola to Chhatra Bazar.

The affidavit shall be filed by 07.05.2024 after serving copies thereof on the respective parties.

The matter will be taken on 09.05.2024.

The C.E.O., WATCO be intimated by Mr. Mohanty, learned Additional Government Advocate to remain present on the said date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

OPEN DRAIN

39. It is stated by Mr. Satyabrata Mohanty, Advocate that earlier there was a proposal for construction of Box Drain also from Chhatra Bazar to Matrubhaban, Cuttack and tender was floated for such work, but, on the ground that it was not technically viable to construct the Box Drain in that area, project was dropped. It is highlighted before us that the reasons put forth by the WATCO authorities for non-execution of the project is fallacious.

Let the C.E.O., WATCO file an affidavit as to whether there was any such proposal also regarding construction of Box Drain from Chhatra Bazar to Matrubhaban, Cuttack, if tender was floated for such purpose and if so, the reasons for dropping the proposal.



The affidavit shall be filed by 07.05.2024 serving copies thereof on the respective parties.

The matter will be taken up on 09.05.2024.

**(S.K. Sahoo)
Judge**

**(V. Narasingh)
Judge**

CONNECTING DRAINS TO BOX DRAIN/MAIN DRAIN

40.

Er. N.K. Mohanty, learned Amicus Curiae submitted that the work of connecting drains from different areas of Cuttack town to the Box Drain/main drain is being carried out by the C.M.C. Authorities.

Let learned counsel appearing for the Cuttack Municipal Corporation file a status report of the construction of connecting drains by 07.05.2024.

**(S.K. Sahoo)
Judge**

**(V. Narasingh)
Judge**

**SELECTION OF ADVOCATES OF DIFFERENT WARDS
TO ASSIST ADVOCATES COMMITTEE:**

41.

During course of hearing, when problems faced by the citizens relating to the poor road condition of different



wards and water logging in different areas under the Cuttack Municipality were highlighted, we proposed to the learned President so also the Secretary of the Orissa High Court Bar Association to submit the names of advocates of different wards, who are interested to assist the Advocates Committee already constituted, to highlight the problems in their respective wards for effective adjudication.

Learned President so also the Secretary of the Orissa High Court Bar Association who graciously attended the proceeding on our request assured us to provide such list of advocates by the next date.

**(S.K. Sahoo)
Judge**

**(V. Narasingh)
Judge**

MOSQUITO ERADICATION PROBLEM:

42. During the course of hearing, so far as mosquito eradication problem is concerned, learned counsel for the Cuttack Municipal Corporation brought to the notice of this Court, the affidavit filed by Mr. Satyabrata Mohapatra, Health Officer, Cuttack Municipal Corporation as per order dated 20.12.2023, in which various steps taken by the Cuttack Municipality Authorities for mosquito control and eradication have been highlighted.



Learned counsel for the Cuttack Municipal Corporation Mr. Nayak submitted that Mosquito Larvicide Oil was being sprinkled in stagnant water in drains and Temephos Larvicide sprinkling in the campus and latrine area of each household are being undertaken on regular basis and signatures from the respective households in evidence thereof are taken.

Some of the Bar members, who are present, raised grievance that in their area, no such steps have been taken.

Let the Executive Officer, C.M.C. file an affidavit indicating in which areas, such steps have been taken and how much Mosquito Larvicide Oil and Temephos Larvicide have been utilized for such sprinkling purposes in the month of April 2024, including the documents to show that the signatures as stated were taken from the respective households.

Affidavit shall be filed by 7th May, 2024 giving copies to the respective parties.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

I.A. No.424 of 2024

43. This application has been filed by the intervenor Mr. Abhisek Mohanty, wherein the grievance has been highlighted in Paragraph Nos.7 & 10.



Let the C.E.O., WATCO file an affidavit on this interim application particularly with respect to Paragraph Nos.7 & 10.

This I.A. shall be taken up on 16.05.2024.

**(S.K. Sahoo)
Judge**

**(V. Narasingh)
Judge**

I.A. No.5663 of 2024

44. The Intervenors have highlighted their grievance in Paragraph Nos.3 & 4 of this interim application.

Since it is stated at the Bar that the C.M.C. and R & B Division are to address this problem, let a copy of the interim application be served on the learned counsel for the C.M.C. so also learned counsel for the State.

Let the C.M.C. and the State file their response to the interim application with reference to Paragraph Nos.3 & 4.

This I.A. shall be taken up on 16.05.2024.

**(S.K. Sahoo)
Judge**

**(V. Narasingh)
Judge**