



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
09.05.2024

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

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

As per the order dated 02.05.2024, Mr. B.K. Dash, learned President so also Mr. R.K. Nayak, learned Secretary of the Orissa High Court Bar Association are present in Court today and submitted before us a list of advocates from different wards of Cuttack Municipal Corporation to assist the Advocates Committee in this proceeding. The said list is taken on record.

Mr. Dash submitted that the learned Advocates have tendered their names out of their own volition and relating to some wards where names are not mentioned in the list, process is under way to collect the names and the same would be provided on the next date.

The learned President so also the Secretary of the Orissa High Court Bar Association are requested to inform the learned advocates of different wards, whose names are appearing in the list, to study and apprise different problems of their respective wards to the Advocates Committee.

BOX DRAIN

First we took up the issue relating to Box Drain.



On 02.05.2024, a submission was made by Mr. Er. N.K. Mohanty, learned Amicus Curiae that out of 2590 meters of length of the Box Drain from Patapola to Chhatra Bazar, construction of 2520 meters have been completed and balance work of 70 meters will be completed by 10.05.2024. We required the CEO, WATCO to file an affidavit indicating the time frame for completion of such project.

Today, the CEO, WATCO Mr. Pradipta Kumar Swain appeared through the virtual mode and referred to the affidavit filed by him at 'Flag-79' wherein, it is mentioned that out of out of 2590 meters length of Box Drain from Pattapol to Chhatra Bazar, 2572 meters have already been completed and the balance of 18 meters will be completed by 30.05.2024.

When the matter would be listed after the ensuing Summer Vacation, the CEO, WATCO shall file an affidavit to indicate the status of such Box Drain construction.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

OPEN DRAIN

46. On 02.05.2024, when a submission was made that earlier there was a proposal for construction of



Box Drain 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, the project was dropped, we asked the C.E.O., WATCO to file an affidavit as to whether there was any such proposal regarding the 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 C.E.O., WATCO has filed affidavit, which is at flag '78' and some reasons have been assigned therein. Copy of the letter of the Government of Odisha, Housing & Urban Development Department, Bhubaneswar dated 14.03.2003 has also been annexed.

After going through the reasons assigned, we think it proper that let the said site be inspected/verified by the separate expert committee and they will submit the report through the learned counsel for the State as to whether the construction of Box Drain in that particular area is technically feasible without affecting the existing buildings which are situated in the close vicinity of the drain.

In that respect, we request the Advocates Committee to furnish the names of the expert team.



The Advocates Committee files a memo indicating therein the names of two officials, who shall be part of the expert team.

We propose the Chief Executive Officer/General Manager Administration of Metro Authorities to nominate an official for spot verification along with an expert of I.I.T., Bhubaneswar whose name shall be proposed by the Director of the institute.

The cost of inspection shall be borne by the WATCO Authority.

The learned counsel for the State, Mr. Mohanty, ASC shall collect the names of the experts and apprise us on the next date.

List this matter on 16.05.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

CONNECTING DRAINS TO BOX DRAIN/MAIN DRAIN

47.

On 02.05.2024, when the matter was taken up and submission was made by Er. N.K. Mohanty, learned Amicus Curiae 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, we asked the Cuttack Municipal Corporation to file a status report of the construction of the connecting drains.

Today, an affidavit has been filed by the City Engineer, Cuttack Municipal Corporation, Cuttack, inter alia, stating the types of drains and the condition of those drains in different locations. The affidavit is taken on record.

In paragraph nos.3 and 4, it is stated that out of 52 nos. of Branch Storm Water Channel/Major Surface Drain, 40 nos. of drains have correct gradient and are discharging storm water properly to the Main Storm Water Channel (either Box Drain or open Drain). So far as the rest of the drains are concerned, survey is being undertaken to assess the correct gradient so that remedial measures can be undertaken for the same, if it is found to be inappropriate. It is further mentioned that for the upcoming monsoon, immediate and effective desilting would be done for proper discharge of storm water to the Main Storm Water Channel (either Box Drain or open Drain). It is further mentioned that 44 nos. of Surface Drains are existing in six (6) nos. of wards (22, 23, 44, 48, 49 & 53), out of which 35 nos. of Surface Drains are properly discharging into Branch Storm Water Channel. It is also stated that 328 nos.



of Major Surface Drains in the same 06 nos. of ward are existing, out of which 296 nos. of major Surface Drains are discharging properly to the Branch Storm Water Channel, which ultimately being discharged to the Main Storm Water Channel. It is further mentioned regarding gradient of the surface drains in rest 50 wards, the survey is being undertaken to find out the actual gradient and after getting the correct gradient of these surface drains, corrective measures would be taken as required so that the proper discharge of water into the Main Storm Water drain can be ensured. It is further mentioned that the C.M.C. is taking necessary steps for proper desilting of the said drains for free flow of storm water to the Branch Storm Water Channel/ Major Surface Drains.

When we made a query to the learned counsel for the C.M.C. what is the machinery and man power to be utilized for such purpose and whether the same is available with the municipal authority at present, whether the encroachment on the drains have been removed, it is submitted that the C.M.C. will file another affidavit by the next date highlighting all those aspects. However, he submitted that the main problem is that once the encroachments are removed from the drain areas, within a very short time, there is again encroachment, which is creating problem for



effective desilting.

Encroachment of public property obstructs and upsets planned development, ecology and sanitation. We make it clear that in and around of any Box Drain or Open Drain areas or Surface Drains area, if there is any encroachment and the same is removed by the C.M.C. authorities, if any further encroachment takes place, the Inspector in-charge of the concerned police station shall be held accountable for the same. And, IIC concerned shall be vigilant and ensure that there is no further encroachment so that the effective desilting can be made.

The D.C.P., Cuttack shall circulate this order to all the Inspector in-charge of different police stations of Cuttack Town for compliance. Such order of D.C.P., Cuttack shall be submitted by the next hearing.

List this matter on 16.05.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

MOSQUITO ERADICATION PROBLEM

48.

On 02.05.2024, we asked the Executive Officer,



C.M.C. to file an affidavit indicating in which areas, steps have been taken for sprinkling Mosquito Larvicide Oil in stagnant water in drains and Temephos Larvicide sprinkling in the campus and latrine area of each household and how much oil and Larvicide have been utilized in the month of April, 2024 and to file documents showing the signatures of the respective households being taken.

Today learned counsel for the C.M.C., Mr. Nayak has filed an affidavit of the Commissioner, Cuttack Municipal Corporation wherein various steps taken in Ward No.5 and Ward No.41 in that respect have been highlighted and documents have been annexed to the affidavit. The same is taken on record.

Let a copy of the affidavit be furnished to Mr. Dash, the learned President of High Court Bar Association during course of the day so that the veracity of the contents of such affidavit can be verified through the Advocates, whose name have been suggested today. The Advocate of Ward no.5 whose name has been proposed shall intimate the Advocates Committee who in turn shall apprise us on the next date.

The Advocates Committee expressed concern over growing mosquito menace in the city and stated that the measures taken by Cuttack Municipal Corporation are insufficient to check the problem and some urgent effective measures are to be taken in this respect.

It is stated at the Bar that the drains are chocked



which has resulted in the rise of number of mosquitoes. The Corporation has failed to carry out proper bush-cutting operation which is contributing in a large measure for the breeding of mosquitoes. A sensitive Civil Administration should have an effective eradication programmes in place year-round and if the Corporation refuses to wake up from its deep and blissful slumber, it would cause health hazards.

Mosquitoes menace is a persistent all-season civil problem of Cuttack city and it is responsible for serious diseases like Malaria, Dengue etc.

For effective monitoring the exercise undertaken by the C.M.C. for eradication of mosquito menace, the Supervisors of each Ward shall upload the data relating to sprinkling of Mosquito Larvicide Oil and Temephos Larvicide of their respective Wards in the Central Data Base on daily basis and mosquito density of each area has to be measured after such sprinkling on a weekly exercise.

Necessary instruction in this regard shall be imparted by the Commissioner, Cuttack Municipal Corporation.

Let the Commissioner, Cuttack Municipal Corporation also instruct the Supervisors to ensure that bush-cutting in different Wards to be done regularly and such data may also be uploaded in the Central Data Base of the C.M.C.

Free copy of this order be handed over to the



learned counsel for the parties for compliance.

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

**(V. Narasingh)
Judge**

PUMPING STATION OF WATCO AT CUTTACK CITY

49.

Er. N.K. Mohanty, learned Amicus Curiae has filed the details about the five pumping stations of WATCO installed in different places in the Cuttack City in Court today, which is taken on record.

Put up this matter on 16.05.2024 at 2.00 p.m.

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

**(V. Narasingh)
Judge**