



IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Registrar (Judicial), Orissa Petitioner
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
17.05.2024

Order No.

57.

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

OPEN DRAIN

As per the order passed on 16.05.2024, Mr. Debakanta Mohanty, learned Additional Government Advocate has filed a memo indicating two names to be the part of Expert Committee, who are supposed to visit and inspect the Open Drain from Chhatra Bazar to Matrubhaban, Cuttack to see whether it is technically feasible to construct Box Drain in that area without affecting the existing buildings, which are situated in the close vicinity of the drain. The memo is taken on record.

The two names suggested by the learned Additional Government Advocate are Sri Arindam Sarkar, Associate Professor, School of Infrastructure, IIT, Bhubaneswar and Professor Sumanta Haldar, IIT, Bhubaneswar.

It is stated by Mr. Mohanty, learned Additional Government Advocate that Sri Arindam Sarkar is an expert in the field of Hydraulic Engineering and Professor Sumanta Haldar is an expert in the area of Soil mechanics and foundation engineering.

Since learned Additional Government Advocate



also submitted that the relevant Box Drain area falls within the jurisdiction of R & B Division-I, we deem it proper to direct the Superintending Engineer, R & B Division-I, namely, Sri Pravash Kumar Majhi to remain present with the Expert Committee at the time of inspection. The C.E.O., WATCO shall be the Nodal Officer and he shall coordinate with the experts, namely, (i) Sri Arindam Sarkar, Assistant Professor, (ii) Professor Sumanta Haldar so also (iii) Sri Sarat Kumar Nayak, Chief Consultant/Civil Engg. II and apprise them about the date and time of inspection.

On consensus of the parties, the date of inspection is fixed to 27.05.2024.

Mr. B.K. Dash, learned President of the Orissa High Court Bar Association shall nominate two of the members of the Advocates Committee to remain present at the time of inspection along with the Amicus Curiae Er. N.K. Mohanty.

If the inspection work by the Expert Committee is not completed on 27.05.2024, another date shall be fixed on consensus and every endeavor be made to finish the inspection work within the first week of June, 2024.

The D.C.P., Cuttack shall ensure that there is no hindrance at the time of inspection to be made by the Expert Committee.

The report shall be furnished by the expert team



on the next date, which is fixed to 18.06.2024 at 2.00 p.m.

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

**(V. Narasingh)
Judge**

**REMOVAL OF ENCROACHMENT OVER FOOTPATHS,
STREET AND PAVEMENTS:**

58. On 16.05.2024, taking into account the traffic congestion in different areas of Cuttack town like O.M.P. Square to Nuabazar, Link Road to Badambadi and various sections of C.D.A. on account of unauthorized encroachment on footpaths, street and pavements, we observed that the C.M.C. authorities shall remove the encroachment over the footpaths, street or pavements in those areas.

This Court directs that by 10.06.2024, the C.M.C. authorities in the presence of the Inspector in-charge within whose local jurisdiction such encroachment free drive is carried out shall remove all the encroachments in any manner on the footpaths, street and pavements so also from the Open Drain area and surface drain areas from O.M.P. Square to Nuabazar and Link Road to Badambadi.



Mr. Dash, learned President of the Orissa High Court Bar Association shall send some of the members from the Advocates Committee after 10.06.2024 to verify regarding the status of removal of encroachments in the aforesaid two areas. The video recordings and the photographs of the encroachment free drive shall be kept on record and be submitted to this Court on the next date.

Free copy of this order be handed over to all the parties.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

I.A. No.424 of 2024

59. As per order dated 16.05.2024, learned counsel for the C.M.C. submitted that steps are being taken so that the water congestion in Netaji Nagar, Madhupatna can be redressed, within a week.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge