



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
18.06.2024

Order No.

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

OPEN DRAIN

Er. N.K. Mohanty, learned Amicus Curiae submitted that as per the order passed on 17.05.2024, Sri Arindam Sarkar, Assistant Professor, Professor Sumanta Haldar so also Sri Sarat Kumar Nayak, Chief Consultant/Civil Engg. II along with C.E.O., WATCO and the representative of the Superintending Engineer, R & B Division-I, Mr. B.K. Dash, learned President, High Court Bar Association and other stake holders were present when the inspection was made on 10.06.2024 and the report is likely to be prepared within a week.

List this matter on 27th June 2024 at 2 p.m. The report shall be filed by the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



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

61.
18.06.2024

When the matter was taken up on 17.05.2024, we directed that by 10.06.2024, the C.M.C. authorities in presence of the Inspector in-charge, within whose local jurisdiction 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 (i) O.M.P. Square to Nuabazar and (ii) Link Road to Badambadi. We also passed order that the learned President of 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 such encroachments in the aforesaid two areas and the video recordings and the photographs of the encroachment free drive shall be submitted to this Court on the next date.

Mr. Dash, learned President of the Orissa High Court Bar Association has submitted a report of the Advocates Committee on removal of encroachment over the footpaths, street and pavements pursuant to the order dated 17.05.2024 in the aforesaid two areas. The same is taken on record. Such report contains the photographs of different areas, which shows that in some areas, post clearance drive/debris had not been removed and there is still encroachment over the footpaths, street and pavements and open drain and surface drain areas



from O.M.P. Square to Nuabazar and Link Road to Badambadi.

When this Court wanted to peruse the video recording and photographs of encroachment free drive, Mr. Nayak, learned counsel for the C.M.C. submitted that it is available with the local I.I.Cs. and he will produce the copy of the same on the next date.

The copy of the Advocates Committee report has been handed over to Mr. Nayak, learned counsel for the C.M.C. so also Mr. Jyoti Pattanayak, learned Government Advocate, who seek some time to obtain instruction.

After going through the Advocates Committee report and the photographs, which are part of such report, we think it proper to direct the C.M.C. authorities to immediately remove the debris/post clearance drive from the areas from where encroachments have already been removed and also to remove the rest of the encroachment in any form in those two areas by day after tomorrow. The video recording and photographs taken in the afternoon of 20.06.2024 be submitted to this Court on the next date, i.e., 21.06.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



CONNECTING DRAINS TO BOX DRAIN/MAIN DRAIN:

62.
18.06.2024

When the matter was taken up on 09.05.2024, as per order no.47, we made it clear that in and around of any box drain or open drain areas or surface drain area, if there is any encroachment and the same is removed by the C.M.C. authorities and any further encroachment takes place thereafter, the Inspector in-charge of the concerned police station shall be held accountable for the same and the I.I.C. concerned shall ensure that there is no further encroachment so that the effective desilting from the drains can be made.

When encroachments have already been removed to a great extent as per the submission made by the learned counsel for the C.M.C. from Link Road to Badambadi and O.M.P. Square to Nua Bazaar and the rest encroachments are to be removed by 20.06.2024 as per the order passed today and the video recording and photographs have already been handed over to the I.I.Cs. of the concerned police stations and the video recording and photographs of further demolition drive are also to be handed over to the I.I.C. of the concerned police stations by 20.06.2024, they are to remain vigilant to ensure that there is no further re-encroachment in those areas and the I.I.Cs. either in person or through any responsible officer or through the police officer in-



charge of the PCR vans shall collect the day-to-day report of the status of the encroachment free areas and keep it for future reference. And, if it is found that there is any further encroachment over those areas and the C.M.C. authorities would be required to take steps again for removal of encroachment, then this Court will consider to direct recovery of the amount spent by the C.M.C. from the errant I.I.C.

The D.C.P., Cuttack shall circulate this order to all the Inspectors in-charge of different police stations of Cuttack Town for compliance.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

VEHICLES STRANDED ON PUBLIC ROAD & FOOTPATH:

63.
18.06.2024

The President of the Orissa High Court Bar Association in the Advocates Committee report has placed some photographs and submitted before us that buses, trucks and condemned vehicles are stranded on the footpaths, public roads and thereby creating hindrance to the public for smooth passage in many places in Cuttack town.



Immediate action shall be taken by the D.C.P., Cuttack for removing those vehicles and public notice is to be given indicating 'strictly no parking' at appropriate places and also displaying the fine amount to be recovered. If anyone flouts the same, Police Officers shall keep a hawk's eye on those places to ensure that no bike or vehicle is parked there unauthorisedly.

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

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

WATER LOGGING

64.
18.06.2024

By order No.54 dated 16.05.2024, we mentioned that in some specific areas of Cuttack Town, there used to be water logging in case of rain even for few hours. The learned counsel for the C.M.C. filed an affidavit of the City Engineer Atanu Kumar Samanta wherein it was stated that all conservancy agencies have been instructed to start massive drain desilting drive from 25th of April to 10th of June 2024 to complete one round of such desilting within the C.M.C. area.

When we made a query to the learned counsel for



the C.M.C. as to whether the drain desilting drive has been completed, he answered in the negative. However, submitted that in some areas, it has been completed and it is expected that within a week, the drive is to be completed in the rest of the areas.

We make it clear that after the time sought for by the learned counsel for the C.M.C. is over, the President of the High Court Bar Association and the Advocates Committee through the respective Advocates of different wards shall verify about the status of the drain desilting drive and produce photographs and even video recording of such desilting operation.

When some members of the Bar raised concern regarding non-taking of steps like sufficient water drainage pumps and man power in each ward to tackle the water logging problem, vide order No.54, the learned counsel for the C.M.C. was called upon to furnish the details of the steps taken for each ward of Cuttack City and to file an affidavit in that regard. No affidavit has been filed.

Mr. Das, learned President of O.H.B.A. highlighted by showing video footage that in the last week when there was rain for one hour or so, there was water logging in Badambadi area which manifestly shows lack of preparedness on the part of C.M.C and WATCO drainage division.

Learned counsel for the C.M.C. shall apprise this



Court on the next date as to whether there is any contingency plan to address the water logging problem in the Cuttack City in view of the ensuing monsoon season, number of pumps installed in different areas and the number of persons to be in-charge for operating the pumps, the maintenance of the log book to show for how many hours the pumps were functioning with all the attendant details including clearing of garbage from the drains to allow rain water to pass smoothly through the drain.

To effectively address the issue of water logging, this Court calls upon the Secretary, U.D, C.M.C. Commissioner and D.C.P., Cuttack to appear either in person or through V.C on the next date of hearing i.e. 21.06.2024 at 2:00 P.M. Since learned Government Advocate Mr. Pattnaik and Mr. Nayak, learned counsel for the C.M.C undertake to intimate the Officers concerned to appear on the appointed date to assist the Court, no separate notice is issued to them.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



MOSQUITO ERADICATION PROBLEM

65.
18.06.2024

Learned counsel for the C.M.C. submitted that as per Order No.53, Mosquito Larvicide Oil and Temephos Larvicide are being sprinkled in different Wards and the data is being uploaded in the Central Data Base on daily basis and bush cutting in different wards are also being done regularly and in that respect, the Health Officer, C.M.C. shall file an affidavit within a week.

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

**(V. Narasingh)
Judge**

I.A. No.6327 of 2024

66.
18.06.2024

This application has been filed for appropriate order for directing the Commissioner, Cuttack Municipal Corporation to make an enquiry regarding the exit point of drainage of Vinayak Vihar Colony of Ward No.52, Darkhapatna.

Mr. Nayak, learned counsel for the C.M.C. seeks some further time to obtain instruction on the interim application.



List this I.A. on 04.07.2024.

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

**(V. Narasingh)
Judge**

I.A. No.424 of 2024

67.
18.06.2024

As per order dated 16.05.2024 so also order dated 17.05.2024, we wanted to know regarding the steps being taken for water congestion in Netaji Nagar, Madhupatna.

Learned counsel for the WATCO has filed an affidavit of Mr. Pradipta Kumar Swain, Chief Executive Officer, WATCO wherein it is mentioned that a detail project report for extension of sewerage system to Netaji Nagar, Cuttack has already been prepared and various hurdles are prevailing in the survey area for laying the sewerage line and accordingly, intimation has been given to different authorities.

Learned counsel for the C.M.C. submitted that he has received the copy of the affidavit from the learned counsel for the WATCO and will obtain instruction on the same. The affidavits filed in Court are taken on record.

The Registry shall serve notice of this I.A. on different authorities as mentioned in the affidavit i.e. for



demarcation of land as well as shifting of UG and BSNL Cables etc. on the Bond-road of Kathajodi River side from Panchamukhi Hanuman Temple to Netaji Nagar/ 42 Mouza Road junction, Cuttack for project work, on the Commissioner, Cuttack Municipal Corporation, Cuttack, Superintending Engineer, Mahanadi South Division-I, Jobra, Cuttack, Executive Engineer, City Distribution Division-II, TPCODL, Badambadi, Cuttack, General Manager (BSNL), Cuttack, Telecom District, Link Road, Cuttack and Deputy General Manager, City Gas Distribution Office, CDA, Cuttack.

List this I.A. on 04.07.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

M.K. Rout/PKS