



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
21.06.2024

Order No.

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

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

As per the order no.61 dated 18.06.2024, when on the basis of the Advocate's Committee report presented by Mr. B. K. Dash, learned President of the Orissa High Court Bar Association, we found that in some areas of (i) O.M.P. Square to Nuabazar and (ii) Link Road to Badambadi, 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, we directed the C.M.C. authorities to immediately remove the debris, post clearance drive from the said areas and also to remove the rest of the encroachments and to present before this Court the video recording and photographs.

Mr. Debashis Nayak, learned counsel appearing for the C.M.C. authorities submitted that steps in that regard have already been taken but sought further time to make it totally encroachment



free. And, when the matter will be taken up on 27.06.2024, he will submit a fresh report with video recording and photographs relating to the status of those two areas.

Accordingly, put up this matter on 27.06.2024 at 2 p.m.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

69.
21.06.2024

CONNECTING DRAINS TO BOX DRAIN/MAIN DRAIN:

In pursuance of the order no.62 dated 18.06.2024, the D.C.P., Cuttack, Mr. Prakash R, I.P.S. is present through virtual mode and Mr. Anil Kumar Mishra, Addl. D.C.P., Cuttack U.P.D. and Mr. Sushant Kumar Singh, A.C.P., Traffic, Cuttack U.P.D. are present in Court today and presented some letters with photographs, which are taken on record.

As per the previous order dated 18.06.2024, this Court directed that after the areas are made encroachment free by the C.M.C. authorities and details are provided to the I.I.C. of the concerned



police stations, 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 re-encroachment over those areas and the C.M.C. authorities would be required to take steps again for removal of encroachment, then this Court would consider to direct recovery of the amount spent by the C.M.C. from the errant I.I.C. We had further directed the D.C.P., Cuttack to circulate the order to all the Inspectors in-charge of different police stations of Cuttack Town for compliance.

It is stated by the D.C.P., Cuttack that the specific instruction which has been issued to the Inspectors in-charge of different police stations of Cuttack Town as per order dated 18.06.2024 will be produced on the next date i.e. on 27.06.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



WATER LOGGING

70.
21.06.2024

As per the order No.64 dated 18.06.2024, we had asked the learned counsel for the C.M.C. to apprise this Court 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 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.

As per the order passed on that day to effectively address the issue of water logging, Mr. G. Mathi Vathanan, Principal Secretary, U.D and Mr. Bijay Kumar Dash, C.M.C. Commissioner appeared through virtual mode.

Learned counsel for the C.M.C. has filed the contingency plan for management of monsoon for the year 2024 wherein he has indicated the challenges in Cuttack City and under the heading of "Action Plan", it has been mentioned how the control room is operated, the Rapid Action Force is



formed, how they have identified the low-lying areas/water logging locations and the identification of Evacuation Shelter Centres. The C.M.C. has also highlighted regarding the coordination meeting with Line Department, desilting of drains, cleaning of drains of other departments, lifting of floating materials from drains especially from the points where gratings have been installed.

Under the heading of Drain Slabs and Barricading, it is mentioned that out of 403.15 kms. length of drains under C.M.C. area, 347.57 kms. have been covered with RCC slabs. 42.6 kms. will be covered by slabs and rest 12.9 kms. will be barricaded with bamboo by 10.07.2024.

On being questioned as to whether this bamboo barricading would serve any purpose, learned counsel for the C.M.C. stated that is primarily to prevent citizens from falling into the drains and he will show the photographs of those bamboo barricades on the next date.

Malaria Management during the Monsoon has also been highlighted.

In the said contingency plan, the locations of pumps of varying capacity installed in the individual wards along with the names of the pump driver,



work sarkar, A.E/J.E./I.E and the name of the assigned A.E. (Mechanical) has been stated.

The documents along with the contingency plan, which has been filed is taken on record.

The I.A. No.7922 of 2024 filed by Mr. Sanjay Kumar Acharya, learned Senior Advocate praying for directing the C.M.C. authorities to take all steps to ensure flooding does not occur in the concerned area, i.e. behind Sangam Cinema at Mahatab Road, Cuttack and to take all steps that such backflow of water from the Main Channel to the Branch Channel does not happen with parallel continuous operation of pumps to pump out the water from the Branch Channel to the Main Channel and further direct the C.M.C. authorities to ensure the drains in the concerned area are kept empty and sanitized.

After going through the interim application, it appears that he belongs to Ward No.36 and in Ward No.36, under the Sl. Nos.87, 88, 89 and 90 of the enclosure to the contingency plan, it is stated that four numbers of pumps of 5 H.P. have been installed at Roxy Lane, Plaza Lane, Sangam Hall Lane and Siba Khuntia Lane.

Mr. Acharya submitted that on 18.06.2024, when there was rain, the pump which was placed in



Sangam Hall Lane was not operational which resulted in causing havoc.

Learned counsel for the C.M.C. has been served with the copy of the interim application and he wants to obtain instruction on the same.

List this matter on 27.06.2024.

After having interaction with the Secretary, U.D. and C.M.C. Commissioner, the Secretary has assured this Court that he will pass necessary instruction to see that different problems, which are rising on account of water logging may be for non-working out of the contingency plan is addressed in an effective manner and efficient officers are to look into these issues under the guidance of the C.M.C. Commissioner and the copies of the instruction will be placed before us in the next sitting i.e. on 27.06.2024.

Mr. Dash, learned President of the High Court Bar Association today also produced before us some paper clippings relating to the water logging of various places of Cuttack City and from one newspaper clipping, it is seen that the garbage are there in the open drains which is evidently causing hindrance to the smooth flow of the rain water.

Learned counsel for the C.M.C. submitted that



immediate steps shall be taken to clean all the drains so that the problem would not recur.

Learned counsel for the C.M.C. submitted that the C.M.C. will also take steps in right earnest for taking up awareness programmes to sensitize the citizen, not to throw the garbage into the open drain but to place it in the dustbins placed by the C.M.C. authorities at different places.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

71.
21.06.2024

VEHICLES STRANDED ON PUBLIC ROAD & FOOTPATH:

As per the Order No.63 dated 18.06.2024, when it was brought to our notice by the President of the Orissa High Court Bar Association 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, we directed immediate action to be taken by the DCP, Cuttack for removing



those vehicles and public notice 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 unauthorizedly.

The DCP, Cuttack informed us that necessary instruction has already been issued to the Inspectors-in-Charge of different Police Stations of Cuttack Town and immediate action is also being taken. And, on the next date he will produce the photographs showing the Boards indicating 'strictly no parking' so also the fine amount to be recovered from the violators.

Copy of such instructions to be produced on the next date i.e. 27.06.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge