



**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. Jyoti Prakash Patnaik,  
Government Advocate 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**  
**27.06.2024**

**Order No.**

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

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

As per order no.68 dated 21.06.2024, Mr. Debashis Nayak, learned counsel appearing for the C.M.C. took time to submit a fresh report with video recording and photographs relating to the status of two areas i.e. (i) O.M.P. Square to Nuabazar and (ii) Link Road to Badambadi to show that the said two stretches are free from encroachments and debris have also been removed in the post clearance drive.

Learned counsel for the C.M.C. placed some video footage of those aforesaid areas. The same was played in open Court today. But we found that in some areas, debris still have not been removed and there is some encroachment also.

Learned counsel has assured this Court that he would discuss with the officials of the C.M.C. and ensure that they take immediate steps for removal of the encroachment, so also the debris.



Put up this matter on 25.07.2024.

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

**(V. Narasingh)**  
**Judge**

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27.06.2024

**RE-ENCROACHMENT IN ENCROACHMENT FREE AREAS.**

As per Order No.69 dated 21.06.2024, we asked the D.C.P., Cuttack to produce specific instruction issued by him to the Inspectors in-charge of different Police Stations of Cuttack Town as per the previous order dated 18.06.2024 that if there is any re-encroachment over the areas which were made encroachment free by the C.M.C. Authorities and again the C.M.C. Authorities would be required to take steps for removal of such re-encroachment then this Court would consider to direct recovery of the amount spent by the C.M.C. from the errant I.I.C.

The D.C.P., I/c Cuttack UPD Shri Prakash R., I.P.S. is present in Court.

Learned Government Advocate Mr. Patnaik has produced the instruction dated 20.06.2024 issued by the D.C.P., Cuttack UPD to all the Inspectors in-charge of Cuttack City including I.I.C. of Traffic P.S.,



Cuttack/Phulnakhara/A.C.P., Traffic, Cuttack UPD wherein the order passed by this Court has been reflected, which is taken on record.

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

**( V. Narasingh )  
Judge**

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27.06.2024

### **WATER LOGGING**

On 21.06.2024, Mr. G. Mathi Vathanan, Principal Secretary to Government, Department of Housing and Urban Development appeared through virtual mode and after having interaction with him, he assured this Court that he would pass necessary instruction to see that different problems, which are arising on account of water logging may be on account of not taking steps in terms of the contingency plan. And, accordingly, we passed order no.70 dated 21.06.2024 that the copies of the instruction would be placed before us today.

Mr. Nayak, learned counsel for the C.M.C. has placed before us the order passed by Mr. G. Mathi Vathanan, Additional Chief Secretary to the Government, which is dated 21.06.2024 under the heading of maintenance of drainage system and



prevention of water logging in Cuttack Municipal areas. Mr. Nayak further submitted that after receiving such instruction from the Additional Chief Secretary, a review meeting was held on 21.06.2024 and he has produced before us the minutes of the review meeting, which are taken on record.

Mr. Dash, learned President of the High Court Bar Association has brought to our notice different news clippings of the local daily newspapers relating to water logging situation of various places of Cuttack City, which arose on account of rain on 25.06.2024. The documents filed by the learned President are taken on record. He has also produced before us some photographs of Pithapur area and new Rausapatna area, which show that the water logging in front of the house of late Brahmananda Panda, Advocate and other places of those areas, which are also taken on record.

When the contingency plan was produced before us on the last date and it indicated the locations where the pumps have been placed and who are the operators of those pumps. We observed that the log books are to be maintained relating to the hours of functioning of the pumps with all the attendant details. If the pumps were available in those areas and the operators were also there on 25.06.2024, this Court fails to understand then how there was recurrence of



water logging as is evident finds from the newspaper clippings, which are produced before us today.

Learned counsel for the C.M.C. shall apprise this Court on the next date and the City Engineer shall file an affidavit relating to the functioning of the pumps on that day, i.e., 25.06.2024 and whether any person has been held accountable for the situation, which arose on that day. This Court expresses dismay at the lackadaisical manner in which the C.M.C. has responded to the agony of the citizens of the millennium city, due to water logging.

Put up this matter on 10<sup>th</sup> July 2024 to address the issues relating to the water logging and clearing of garbage from the drains.

The Commissioner, Cuttack Municipal Corporation and the City Engineer shall remain present in this Court on the said date. Learned counsel for the C.M.C. Sri Nayak shall intimate both the Commissioner and the City Engineer.

The learned President of the Orissa High Court Bar Association has also filed a memo relating to the temporary measures required to be undertaken for the monsoon season and it is mentioned therein that three 60 HP power pumps are required to be installed near junction points between BSWC and box drain at Kesarpur for discharge of drain water from the above



noted BSWC to box drain.

It is stated at the Bar that such pumps were earlier functioning at the said location and because of which water logging was minimized.

Copy of the memo has been furnished to the learned counsel for the C.M.C., who will apprise us about the feasibility of working out the suggestions given by the learned President of the Orissa High Court Bar Association on the next date.

Learned counsel for the C.M.C. also produced some photographs relating to installation of some barricades around the open drain area in order to prevent anyone from falling into the drain. The photographs are taken on record.

List this matter on 10.07.2024 at 2.00 p.m.

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

**( V. Narasingh )**  
**Judge**

**I.A. No.7922 of 2024**

75  
27.06.2024

This I.A. has been filed by Mr. Sanjay Kumar Acharya, learned Senior Advocate for certain direction to the C.M.C. Authorities.

Copy of the I.A. was served on the learned



counsel for the C.M.C. who took time to obtain instruction as per order dated 21.06.2024.

Today, the learned counsel for the C.M.C. has produced a factual report regarding necessary steps to be taken in the areas i.e. Mahatab Road Area and Professorpada Area. It is mentioned therein that repairing work of the existing defunct Sluice Gate of Hero Honda Show Room at Professorpada is to be undertaken, two numbers of VOLVO Pumps would be installed at the spot for drainage of rain water so that water logging could be decreased/minimized.

Mr. Acharya has produced some photographs before us showing the condition of his chamber due to rain on 25.06.2024. The photographs and factual report are taken on record.

Let a copy of the factual report be served on Mr. Acharya.

Mr. Nayak, learned counsel for the CMC has assured that two numbers of VOLVO Pumps with adequate horsepower would be installed by next week.

Put up this matter on 25.07.2024.

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

**( V. Narasingh )**  
**Judge**



**I.A. No.424 of 2024**

76  
27.06.2024

This I.A. has been filed by Mr. Abhisek Mohanty for certain direction to the CMC Authorities.

Today, the learned counsel for the CMC has produced a factual report which is relating to Netaji Nagar area and it is mentioned therein that one Pump Set has been installed and functioning regularly at Netaji Nagar for dewatering purposes. The permanent installation of Electric Pump is under process and it would be completed by end of August, 2024. On functioning of the Electric Pump, major water logging situation would be minimized/reduced. The said factual report is taken on record.

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

**( V. Narasingh )**  
**Judge**

**I.A. Nos.6327 of 2024 & 6328 of 2024**

77  
27.06.2024

This I.A. has been filed by Mr. Anadi Charan Sarangi for certain direction to CMC Authorities.

Today, the learned counsel for the CMC has produced a factual report which is relating to Vinayak



Vihar, Darghapatna, P.S. Madhupatna area and it is mentioned therein that the drain work at Vinayak Vihar, Darghapatna is under progress and the concerned agency is executing the work and it would be completed by end of August, 2024. The feasible discharge point has already been identified earlier before executing the work. The said drain is being constructed from the discharge point. The full drain work would be completed within two months. The road in the said area has been constructed and the balance road work is to be completed within two months. The said factual report is taken on record.

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

**( V. Narasingh )**  
**Judge**

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27.06.2024

**VEHICLES STRANDED ON PUBLIC ROAD & FOOTPATH:**

On 21.06.2024, the D.C.P., Cuttack appeared through virtual mode and informed us that necessary instructions have been imparted to the Inspectors in-Charge of different police stations of Cuttack Town and immediate action has also been taken as per order



No.63 dated 18.06.2024. We asked the D.C.P., Cuttack to place such instructions before us and also asked to produce the photographs showing the display of boards at public places indicating 'strictly no parking' so also the 'fine amount to be recovered from the violators'.

Today, Mr. R. Prakash, I.P.S., D.C.P., I/c Cuttack being present in Court produced before us the public notice so also photographs showing the display boards indicating 'no parking zone' and the 'fine amount'.

The public notice and the photographs shall form the part of the case record.

We made a query to the D.C.P. as to what arrangement has been made to detect the violators, the procedure to realize the fine amount, how to seize the vehicles unauthorizedly parked in such notified areas, who is to seize the vehicle and where it is to be kept after its seizure and who would be in charge of such vehicles till it is released on deposit of the fine amount.

D.C.P. stated that all the necessary arrangements have been made and are in the process of being worked out.

When we put a pertinent question to the D.C.P. as to what arrangement has been made for the public to keep their vehicles in those no parking areas in case they have some work in the notified areas, he stated



that request has been made to the C.M.C. authorities for providing spaces for parking of vehicles of the public in the vicinity where such 'no parking zone' boards have been placed.

Learned counsel for the C.M.C. drew the attention of this Court to order no.50 dated 16.05.2024, wherein he had made a submission that in different areas of Cuttack Town, parking areas have been specified but the space in those areas are not adequate and C.M.C. has to identify other available spaces exclusively for parking purpose. He submitted that the plan has been chalked out to find out different locations to keep the vehicles of the public in those areas where notice boards have been given and the list of such spaces area wise shall be furnished to this Court on the next date.

Put up this matter on 25.07.2024.

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

**(V. Narasingh)**  
**Judge**

**OPEN DRAIN**

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27.06.2024

Mr. Pattnaik, learned Government Advocate for the State, produces the report of the Expert



Committee on Technical Feasibility of Construction of Box Drain from Chhatra Bazar to Matru Bhawan without affecting the existing buildings situated in the close vicinity of the drain. Paragraph-11 of the said report is extracted below:-

“11. Based on the above deliberation, the expert committee opines for construction of Open Drain in the remaining 610 Mtrs up to Matrubhavan, ensuring safety of life and structures on both sides of drains. Also, in addition to making arrangement to restrict falling/entry of any object/cattle/human life inside the drains, appropriate arrangements to cover the drain, not for movement of road vehicles over it, may be ensured, commensurate with the structural design of the cover material and its supporting arrangements.”

Let the copy of the Expert Committee’s report be furnished to all the stakeholders including the learned Amicus Curiae within three working days to have their say vis-à-vis such report.

List this matter on 10.07.2024.

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

**(V. Narasingh)**  
**Judge**



### **Boating in Taladanda Canal**

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27.06.2024

As per the media reports, the Tourism Department launched an eco-friendly boat ride on Taladanda Canal to attract more visitors to Cuttack. Huge investment has been made for such purpose. Such reports further indicate that Taladanda Boating Complex and Food Court were inaugurated on 16.09.2023 but boating services have been stopped since 10<sup>th</sup> November 2023.

Let the learned counsel for the State obtain instruction as to why the citizens have been deprived of such facility and whether there is any proposal to resume it and if so, when it would be restored.

It is stated that wire mesh fencing was put up on both sides of Taladanda Canal so that no one could throw garbage into it. Now, the wire mesh fencing has been damaged to a great extent. There was also footpath on both the side adjacent to such wire mesh fencing and it has been damaged and the beauty has been lost. Immediate steps shall be taken for repairing of the same and its renovation.

Put up this matter on 25.07.2024.

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

**(V. Narasingh)**  
**Judge**



**Dumping of waste on the new road from Jobra to Nuabazar**

81  
27.06.2024

It is reported in New Indian Express dated 09.12.2023 under the heading of "Amid renovation, Taladanda Canal in Odisha turns waste site", that there has been dumping of garbage, construction waste on the stretch from Matrubhaban to Nuabazar in Cuttack city which has not only led to congestion of canal road but also polluting the environment of localities nearby. As per the decision of the State Govt., the renovation and beautification of Taladanda Canal and widening of the roads are being carried out upto Biribati Tarini Temple from Jobra to facilitate communication to the proposed expanded campus of S.C.B. Medical College and Hospital, Cuttack. It is reported that waste water of five drains are being discharged into the canal in gross violation of direction of this Court, Odisha Human Rights Commission and State Pollution Control Board.

The authorities concerned shall take immediate steps for clearing the garbage, construction waste materials from that road by next date and produce the video footage and photographs. A report has to be furnished by the learned counsel for the C.M.C. as to whether there is any such discharge of waste water of five drains into Taladanda canal and if so, what steps



are being taken to address the issue.

Put up this matter on 25.07.2024.

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

**(V. Narasingh)**  
**Judge**

M.K.Rout/PKS/Sipun