



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
25.07.2024

Order No.

91.
25.07.2024

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

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

As per order no.72 dated 27.06.2024, there was a direction to take immediate steps for removal of the rest of the encroachment in two areas of Cuttack City i.e. (i) O.M.P. Square to Nuabazar and (ii) Link Road to Badambadi.

Ms. Swetapadma D. Satpathy, Deputy Commissioner (Land & Enforcement), C.M.C. appeared through virtual mode and submitted that 90% of the encroachments in those two areas have been cleared and rest of the encroachments will be removed within a week.

We request the learned President, High Court Bar Association to constitute a team of Advocates to visit these two areas after a week and verify whether there is any encroachment over the footpaths, street and pavements left out to be removed. Photographs and video recordings are to be taken at the time of proposed visit to be presented before this Court on the next date. The officers of the C.M.C. selected by the Commissioner, C.M.C. shall accompany the team of



advocates and the Deputy Commissioner of Police, Cuttack shall provide necessary security to the Committee members along with the officers of the C.M.C. to carry out the inspection smoothly. The date and timing of such visit shall be fixed on mutual consent.

List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

92.
25.07.2024

VEHICLES STRANDED ON PUBLIC ROAD & FOOTPATH

Learned counsel for the C.M.C. drew the attention of this Court to order no.78 dated 27.06.2024, 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 and the list of such earmarked parking spaces, area wise shall be furnished to this Court on the next date.

Mr. Nayak, learned counsel for the C.M.C. prays



for two weeks time to submit list of such designated places of parking, area wise, more particularly relating to those which has been identified as no parking zones.

List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

93.
25.07.2024

BOATING IN TALADANDA CANAL

As per the order no. 80 dated 27.06.2024, we directed the learned counsel for the State to obtain instruction as to why the citizens have been deprived of eco-friendly boat ride facility on Taladanda Canal and whether there is any proposal to resume it and if so, when it would be restored.

It was also observed that wire mesh fencing that was put up on both sides of Taladanda Canal so that no one could throw garbage into it, 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. We directed to take immediate steps for repairing of the same and its renovation.

Mr. Jyoti Prakash Pattnaik, learned Addl.



Government Advocate submitted that a responsible officer of the State Government shall file an affidavit regarding this issue by the next date.

List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

94.
25.07.2024

POSTING OF RESPONSIBLE OFFICER IN CHARGE OF CONTROL ROOM/CALL CENTRE

By order no.84 dated 10.07.2024, we directed a responsible officer shall be kept in charge of control room/call centre and the record shall be maintained as to the number of calls received and redressed by taking necessary measures relating to water logging.

In pursuance of such order, Mr. Atanu Kumar Samanta, City Engineer, Cuttack Municipal Corporation has filed an affidavit dated 25.07.2024 wherein in paragraph 4, it has been highlighted as to how the control room of the C.M.C. is functioning twenty four hours a day for all seven days of the week under the supervision of Joint Commissioner (Sanitation), C.M.C., who is the Nodal Officer of the Control Room and how a toll free number and a landline number have been displayed through wall



printing in various locations within C.M.C. area and how many numbers of complaints/grievances have been received from 1st July 2024 to 20th July 2024 and how many grievances have been redressed by the C.M.C. The said affidavit is taken on record.

The learned counsel for C.M.C. shall apprise this Court on the next date as to whether sufficient numbers of phone connections and attendants are available to attend to the calls.

List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

95.
25.07.2024

REMEDIAL MEASURES TAKEN IN IDENTIFIED AREAS

As per order no.85 dated 10.07.2024, after perusing the affidavit filed by the C.M.C., we directed the C.M.C. to file an affidavit stating the identified areas where the water logging is taking place and remedial measures being taken for redressal.

Mr. Atanu Kumar Samanta, City Engineer, Cuttack Municipal Corporation has filed an affidavit wherein in paragraph-3, he has highlighted that 123 numbers of vulnerable water-logging locations have



been identified by the C.M.C. in the city area, out of which 76 numbers of locations as per Annexure-U/2 remain water-logged for about two to three hours and 47 numbers of locations as per Annexure-V/2 remain water-logged for about 4-5 hours. It is further stated that requisite numbers of pumps with desired capacity have been installed in most of the vulnerable/ water-logging locations for smooth drainage of rain water to Box Drain/ Main Drain/ Open space area. The C.M.C. will use its Cess Pull Machine/ Fire Pumps for dewatering from the water-logging area as per requirement. Similarly, desilting and cleaning of the drains are being done in a regular manner for free flow of storm water.

It is also highlighted that the WATCO (Drainage) has installed one number of pump of 180 HP capacity, two numbers of pumps of 100 HG capacity and five numbers of pumps of 60 HP capacity at Chhatra Bazaar pumping station for drainage of rain water. Similarly, five numbers of pumps of 60 HP capacity are always kept reserved during the entire monsoon period by the WATCO to meet emergencies.

It is also stated that to mitigate the water-logging in the said areas, frequency of drain desilting has been increased. Further assessment is underway



to determine, if construction of new drains will reduce the time taken for drainage of rain water from the said vulnerable locations.

The affidavit filed by the City Engineer, C.M.C. is taken on record.

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

**(V. Narasingh)
Judge**

96.
25.07.2024

KRUSHAK BAZAAR (WARD No.7)

As per order no.86 dated 10.07.2024, we directed the Health Officer, C.M.C. to file an affidavit regarding the steps taken to redress the inconvenience caused to the vendors so also to the general public visiting Krushak Bazaar.

Today, Dr. Satyabrata Mohapatra, Health Officer, Cuttack Municipal Corporation has filed an affidavit wherein in paragraph-4, it is stated that the Krushak Bazaar market is under the administrative control of the Cooperation Department of the Government of Odisha and the Sub-Collector, Cuttack is the Chairman of the said Committee and the said Committee is collecting monthly fees from the vendors of Krushak Bazaar to provide day-to-day civic amenities to the vendors. Since the said R.M.C.



is not doing the needful to maintain cleanliness and hygiene, the C.M.C. has started cleaning the Krushak Bazaar area.

It is highlighted in the said affidavit that regarding drainage system and repair of pot-holes inside the Krushak Bazar area, there is a Junior Engineer, who is to look after the same and immediate steps are necessary to be taken for filling up the pot-holes and complete construction of the drain. It is also highlighted before us that the Sub-Collector, Cuttack has failed in its duty for which this problem arose.

In view of such affidavit filed, let the Sub-Collector, Cuttack appear in person/virtual mode before this Court on the next date, which is fixed to 8th August 2024. The status of Krushak Bazaar, Ward No.7 relating to the inconvenience caused to general public shall be apprised to us on the next date.

Since learned Govt. Advocate undertakes to intimate the concerned Sub-Collector no separate intimation need be sent.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



97.
25.07.2024

I.A. No.8773 of 2024

This interim application has been filed by the Interveners seeking for a direction to the C.M.C. for construction of road including removal of water logging on the road i.e. from plot No.7MC/56, Sector-7 to plot No.7MC/63, Sector-7 C.D.A. in Ward No.5 as the residents of the said area and public in general are facing lot of difficulties while using the road.

Learned counsel for the C.M.C. submitted that some temporary measures are required to be undertaken immediately to address the issue, canvassed in the interim application. He undertakes to file an affidavit and apprise this Court regarding the temporary measures to be taken by the C.M.C. in this regard by the next date.

List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

98.
25.07.2024

I.A. No.5663 of 2024

Learned counsel for the C.M.C. submitted that he will obtain instruction on the interim application and apprise this Court by the next date.



List this matter on 08.08.2024.

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

**(V. Narasingh)
Judge**

99.
25.07.2024

**PROBLEMS FACED BY THE RESIDENTS OF C.D.A.,
WARD NO.6**

Mr. Sarada Prasanna Sarangi, learned counsel has furnished a list of problems faced by the residents of C.D.A., Ward No.6 to the learned counsel for the C.M.C. in which in item no.4, it is mentioned that a dead tree standing in front of Bima Vihar since long causing a threat to the public at large and it is required to be cut.

Learned counsel for the C.M.C. has assured this Court that the dead tree will be removed by the next date.

Learned Govt. Advocate is called upon to impart necessary instruction in this regard so that there is no hindrance because of lack of intra-department coordination.

List this matter on 08.08.2024.

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

**(V. Narasingh)
Judge**



100.
25.07.2024

SPREADING OF DENGUE IN CUTTACK CITY

The learned President of the High Court Bar Association has drawn the attention of this Court to a news item published in daily 'The Samaj' dated 25.07.2024 regarding spreading of dengue in Cuttack City due to water logging and piling of debris.

A copy of the news paper cutting is handed over to the learned counsel for the C.M.C., who seeks time to obtain instruction and apprise this Court by the next date regarding the authenticity of the news item and steps taken to control it, in case it is found to be correct.

List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

101.
25.07.2024

ABSENCE OF STREET LIGHT AND TRAFFIC CONTROL IN THE ROAD LEADING FROM JOBRA UP TO BIRIBATI TARINI TEMPLE:

As per order no.88 dated 10.07.2024, we directed the Secretary, Cuttack Development Authority to remain present today.

A mention is made by Mr. Jyotirmay Barik, learned counsel on behalf of Mr. Dayananda Mohapatra, learned counsel for the C.D.A. that due



to some communication gap, the Secretary, Cuttack Development Authority could not remain present today and he assures this Court that the Secretary shall appear before this Court on the next date to address this issue.

List this matter on 08.08.2024.

Free copy of this order be handed over to the learned counsel for the CDA, Mr. Dayananda Mohapatra for compliance.

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

**(V. Narasingh)
Judge**

102.
25.07.2024

RE-ENCROACHMENT IN BADAMBADI AREA

The learned President of Orissa High Court Bar Association has produced a news clipping from local daily news paper and submitted that in Badambadi area, the vendors have again re-encroached the public pavement by putting food stuff and others items.

Learned counsel for the C.M.C. also submitted that it is a case of 're-encroachment' after the C.M.C. removed the encroachment.

In view of the order nos.47 dated 09.05.2024



and 62 dated 18.06.2024, let the D.C.P., Cuttack file an affidavit as to how the I.I.C. of the concerned police station allowed such re-encroachments to be made in Badambadi area and what action has been taken against the errant police officials.

List this matter on 08.08.2024.

Affidavit shall be filed in the meantime.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

103.
25.07.2024

OPEN DRAIN

After perusing the report of the Expert Committee which is at flag-106 which was furnished to all the stake holders, we give opportunities to the stake holders to file their response, if any.

In pursuance of our order, the intervenors Opposite Parties has filed an objections and copy of the same has been served on the learned counsel for the State.

Today, learned Amicus Curiae has also submitted a report on this issue. The report is taken on record. The copy of the report has already been furnished on the learned counsel for the State and learned President of Orissa High Court Bar Association.



Learned counsel for the State through the Expert Committee shall verify the objection of the intervenors so also the report furnished by the learned Amicus Curiae and apprise this Court on the next date relating to the technical feasibility of construction of Box Drain from Chhatra Bazar to Matru Bhawan.

List this matter on 29.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

104.
25.07.2024

WATER LOGGING

As per the order dated 10.07.2024, it is intimated to us that more number of Volvo Pumps of different HP capacity have been installed in new Rausapatna area and the problems which the local people were facing have been reduced.

It is suggested at the Bar that some further arrangement is required to be taken. If any such detailed proposal is given by the Advocates Committee through the learned President of Orissa High Court Bar Association to the learned counsel appearing for the CMC, the same shall be looked into and this Court will be apprised on the next date about the suggestion given.



List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

105.
25.07.2024

ILLEGAL ENCROACHMENT BY VEGETABLE VENDORS

So far as unauthorized encroachment by vegetable vendors is concerned, it is stated by the learned Additional Government Advocate, Mr. Pattnaik that though steps have been initiated to address the same but the issue has not been fully resolved. Hence, he seeks more time.

List this matter on 29.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

106.
25.07.2024

ABSENCE OF STREET LIGHT AND TRAFFIC CONTROL IN THE ROAD FROM JOBRA UP TO BIRIBATI TARINI TEMPLE

Learned counsel for the CMC, Mr. Nayak submitted that R & B Department has got responsibility to complete the installation of the light and only after such installation is completed, it would be the



responsibility of the C.M.C. to maintain it.

Mr. Pattnaik, learned Additional Government Advocate is called upon to obtain instruction regarding the time frame within which street lighting in that road shall be undertaken and completed.

List this matter on 29.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

107.
25.07.2024

CREATION OF A DEDICATED WEBSITE BY C.M.C.

As per the order No.89 dated 10.07.2024, Mr. Atanu Kumar Samanta, City Engineer, C.M.C. has filed an affidavit and in paragraph No.5, it has been mentioned that all the developmental works have been completed and the same will be uploaded in the website of C.M.C. within ten days.

List this matter on 08.08.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge