



**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**  
**08.08.2024**

**Order No.**

108.  
08.08.2024

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

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

As per order no.91 dated 25.07.2024, when Ms. Swetapadma D. Satpathy, Deputy Commissioner (Land & Enforcement), C.M.C. submitted that 90% of the encroachment in **(i) O.M.P. Square to Nuabazar** and **(ii) Link Road to Badambadi** have been cleared and assured us that the rest of the encroachment in those two areas will be removed within a week, we requested the learned President, High Court Bar Association to constitute a team of Advocates to visit those two areas after a week and to verify whether there is any encroachment over the footpaths, street and pavements left out to be removed. We also asked the photographs and video recordings to be taken at the time of proposed visit.

In pursuance of the order dated 25.07.2024, the learned President, High Court Bar Association has submitted the status report dated 03.08.2024 regarding removal of encroachment over footpaths, streets and pavements which indicates that there are still encroachments (i) near Badambadi-Shankarpur



Puja Mandap, (ii) Tarini Mandir at Pala Mandap, Badambadi, (iii) Trinath Mandir, Badambadi (at the corner of the lane leading to old L.I.C. Colony) and (iv) debris found over the drain from Badambadi to Link Road near HDFC Bank, Badambadi Branch. So far as the encroachment from *O.M.P. Square to Nuabazar* is concerned, it is mentioned therein that there were no encroachments seen on the said road. The status report is taken on record.

The I.I.C., Chauliaganj police station shall ensure that there is no re-encroachment over the encroachment free area(s) and regular monitoring is carried out to ensure the same.

Ms. Swetapadma D. Satpathy, Deputy Commissioner (Land & Enforcement), C.M.C. appears through virtual mode and submits that so far as encroachment near Trinath Mandir, Badambadi is concerned, the same has already been removed and so far as the other encroachments as pointed out in the status report are concerned, it is assured that the same would be cleared before the next date.

From the photograph at page no.12 of the status report, it is seen that the drain is full of garbage and it appears as if it has not been cleared for months together.

Mr. Das, learned President, High Court Bar Association submits that because of accumulation of



garbage in the drain, there is virtually no flow of drain water and remedial measures are required to be taken on urgent basis and slabs are to be put over the drains.

A copy of the status report has been furnished to Mr. Debasis Nayak-A, learned counsel for the C.M.C.

Learned counsel for the C.M.C. and Deputy Commissioner Ms. Satpathy submitted to address this issue soon.

List this matter on 29.08.2024.

Compliance report on the aforesaid aspects shall be filed by the C.M.C. by the next date giving copy thereof to the President, High Court Bar Association as well as learned counsel for the State.

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

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

109.  
08.08.2024

**VEHICLES STRANDED ON PUBLIC ROAD & FOOTPATH**

As per order no.92 dated 25.07.2024, on the submission of Mr. Debasis Nayak-A, learned counsel for C.M.C., we granted time to him to submit list of designated places of parking of vehicles area wise, more particularly relating to those areas which have



been identified as no parking zones.

In pursuance of such order, Mr. Nayak, learned counsel for the C.M.C. has produced the report dated 08.08.2024 which contains the list of twenty numbers of parking space and three numbers of taxi stand maintained by the C.M.C. The report is taken on record.

A copy of the said report is served on Mr. Das, learned President, High Court Bar Association and after going through the same, he submitted that some of the places which have been identified by the C.M.C. cannot be used as parking place for public as the same are being used exclusively by other institution or unauthorizedly used for business purpose.

Mr. Nayak, learned counsel for the C.M.C. submitted that he will produce the photographs of those parking places on the next date and ensure that if any other agency or institution are utilizing the same unauthorizedly or there are encroachers, it would be cleared immediately and the same would be made available to the public for the purpose of parking.

At this stage, it is brought to our notice by some learned members of the Bar that there is a parking place provided in the river bed of Mahanadi near Matamatha adjacent to S.C.B.M.C.H. maintained by C.M.C. Though it is mentioned that for each vehicle, the parking fee is Rs.20/-, but Rs.50/- is being illegally



collected per each vehicle.

Mr. Nayak, learned counsel for the C.M.C. submitted that he will obtain necessary instruction relating to the issue and apprise this Court on the next date.

Mr. Jyoti Prakash Patnaik, learned Government Advocate submitted that due publicity regarding 'no parking zone' for the awareness of the public is to be given by the Deputy Commissioner of Police, Cuttack in collaboration with the C.M.C. and the C.M.C. authorities shall identify and provide suitable parking places for use of the public in the vicinity of 'no parking zone' area.

Put up this matter on 22.08.2024.

Instruction on the aforesaid aspect shall be obtained in the meantime.

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

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

110.  
08.08.2024

**BOATING IN TALADANDA CANAL**

As per order no.93 dated 25.07.2024, Mr. Jyoti Prakash Pattnaik, learned Government Advocate took time to file an affidavit regarding the resumption of eco-friendly boat ride facility on Taladanda Canal at Jobra so also repair of wire mesh fencing and footpath



on the both side of Taladanda Canal.

Today, Mr. Jyoti Prakash Patnaik, learned Government Advocate has produced the letter of the Superintending Engineer, Mahanadi South Division-1, Cuttack dated 02.08.2024 wherein it is mentioned that the boating operation in Taladanda main Canal has been resumed since 16.07.2024 and the repair of damaged wire mesh fencing has been taken up and would be completed by end of August 2024. However, it is mentioned that intermittent interruption to the boating operation was caused due to foul smell of the stagnant water which was primarily on account of discharge of effluent of C.M.C. drains into Taladanda Canal.

Mr. Nayak, learned counsel for the C.M.C. submitted that he will obtain necessary instruction as to whether any drain water is being discharged into Taladanda Canal and apprise this Court on the next date.

So far as footpath on both side of Taladanda Canal is concerned, Mr. Nayak, learned counsel for the C.M.C. submitted that he will obtain necessary instruction on this issue and apprise this Court on the next date.

We appreciate the prompt action taken by the O.T.D.C. in resuming eco-friendly boat ride facility on Taladanda Canal which is expected to attract more and



more visitors to the Silver City Cuttack. We also expect that the repair work of wire mesh protective fencing on both side of Taladanda Canal for safety as well as preventing dumping of waste into the water channel so also footpath on both the side adjacent to such wire mesh fencing would be completed at the earliest for restoring the beauty of Taladanda Canal.

List this matter on 05.09.2024. Learned counsel for C.M.C. shall apprise this Court about the status of repair work of wire mesh protective fencing and damaged footpath.

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

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

111.  
08.08.2024

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

As per order no.94 dated 25.07.2024, we asked the learned counsel for C.M.C. to apprise us as to whether sufficient numbers of phone connections and attendants are available to attend the public calls at control room of the C.M.C.

Today, Mr. Nayak, learned counsel for the C.M.C. has produced the compliance report wherein it is mentioned that the control room/call centre is functioning 24x7 hours including Sundays and all other



holidays under the supervision of Joint Commissioner (Sanitation) as Nodal Officer of the control room/call centre. The control room/call centre is functioning having total 17 number of computers, 16 nos. of total engaged staff, 02 numbers of landline phone. The toll free number for call centre is 18003456728 and landline number for call centre/control room is 0671-2310472. From 01.07.2024 to 06.08.2024, 2509 nos. of grievances have been received by the control room of C.M.C., out of which 1822 nos. of grievances have already been resolved/redressed and the rest number of grievances will be redressed within a short time.

The steps taken by the C.M.C. authorities are appreciated and this Court hopes that they would continue to remain sensitive in addressing the public grievance(s).

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

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

112.  
08.08.2024

**KRUSHAK BAZAAR (WARD No.7)**

As per order No.96 dated 25.07.2024, we asked the Sub-Collector, Cuttack to apprise us regarding the status of Krushak Bazaar, Ward No.7 more particularly relating to the inconvenience caused to



the general public visiting that place.

Mr. Jyoti Sankar Roy, Sub-Collector, Cuttack Sadar-cum-Chairman, R.M.C, Kendupatna is present through virtual mode and Mr. Tusharakant Sethy, Secretary, Regulated Market Committee, Kendupatna is also present in Court.

An affidavit filed by the Secretary, Regulated Market Committee, Kendupatna in Court is taken on record.

Mr. Satyabrata Mohanty, learned counsel appearing for the R.M.C. so also Mr. Sarada Prasanna Sarangi, learned counsel submitted that garbage in the Krushak Bazaar area has been cleared to a great extent. It is stated in the affidavit that Cuttack Municipal Corporation had earlier undertaken for construction of drain from middle of Krushak Bazaar to Petanal (Ward No.7), but the said drain is not completed by C.M.C. for which the problem is subsisting.

Copy of the affidavit has already been served on learned counsel for the C.M.C., who submits that the authority will look into the grievance that has been raised by the Secretary, R.M.C. in his affidavit and ensure that the garbage in the market place are removed on daily basis and the drain problem which has also been highlighted is addressed to soon.



The Secretary has mentioned in the affidavit that the R.M.C. has engaged two numbers of sweepers in the market area to clean the market place. The Secretary, who is present in Court, on our query submitted that two numbers of sweepers are not sufficient to clean the entire market area on regular basis, however he has assured the Court that sufficient numbers of sweepers would be engaged to clean the market area on daily basis.

Learned counsel for the R.M.C. shall apprise us about the steps taken in that regard to maintain cleanliness in the Krushak Bazaar and also file some latest photographs on the next date.

Personal appearance of Mr. Jyoti Sankar Roy, Sub-Collector, Cuttack Sadar-cum-Chairman, R.M.C, Kendupatna and Mr. Tusharakant Sethy, Secretary, Regulated Market Committee, Kendupatna is dispensed with for the time being.

List this matter on 29.08.2024.

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

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



113.  
08.08.2024

**I.A. No.8773 of 2024**

As per order No.97 dated 25.07.2024, learned counsel for the C.M.C. took time to file an affidavit regarding temporary measures to be taken by 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.

In pursuance of such order, an affidavit has been filed by Mr. Atanu Kumar Samanta, City Engineer, Cuttack Municipal Corporation, wherein it is mentioned that for construction of road and drain from Plot No.- 7MC/55 to 7MC/63 and 7MC/63 to MIG/96 at Sector-7 in Ward No.5, an amount of Rs.23,79,000/- has already been technically and administratively approved. The tender for the said work has also been floated. The said work will commence within one month after completion of the tender procedures and formalities. The work will be completed by end of October, 2024.

The said affidavit filed in Court is taken on record.  
The I.A. is disposed of.

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

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



114.  
08.08.2024

**I.A. No.5663 of 2024**

As per order No.98 dated 25.07.2024, learned counsel for the C.M.C. took time to obtain instruction on the interim application.

Today, he has submitted by way of compliance report that all the roads in Ward No.3 (Sector No.11) C.D.A. have been maintained by R & B Division-1, Cuttack. The development of the Park in Sector-11, Ward No.3 will be completed within two months.

Accordingly, the I.A. is disposed of.

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

**( V. Narasingh )  
Judge**

115.  
08.08.2024

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

As per order No.98 dated 25.07.2024, on the basis of a list furnished by Mr. Sarada Prasanna Sarangi, learned counsel relating to the problems faced by the residents of C.D.A., Ward No.6 particularly highlighting the removal of a dead tree standing in front of Bima Vihar causing a threat to the public at large, we directed the C.M.C. to obtain instruction.

Mr. Sarangi submitted that he had highlighted eight problems, out of which two have been addressed in as much as the dead tree has already been removed



and Krushak Bazaar issue has been partially solved.

Learned counsel for the C.M.C. submits that appropriate steps shall be taken regarding the rest six issues soon and he will apprise this Court on the next date.

List this matter on 29.08.2024.

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

**( V. Narasingh )  
Judge**

116.  
08.08.2024

**SPREADING OF DENGUE IN CUTTACK CITY**

As per order No.100 dated 25.07.2024, on the basis of a newspaper publication produced by the learned President of the High Court Bar Association regarding spreading of dengue in Cuttack City due to water logging and piling of debris, we asked the learned counsel for the C.M.C. to obtain instruction.

Learned counsel for the C.M.C. has produced the anti dengue activities undertaken by the C.M.C. inside the S.C.B. Medical College and Hospital, Cuttack campus with some photographs. The same is taken on record.



It is expected that the C.M.C. shall take such activities throughout the Cuttack City.

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

**( V. Narasingh )  
Judge**

117.  
08.08.2024

**ENCROACHMENT OVER THE DRAINS IN PILGRIM  
ROAD, CUTTACK**

It is highlighted by the Advocates' Committee that there are unauthorized encroachments over the drain in the Pilgrim Road, Cuttack from Revenshaw Main Gate to Chhatra Bazar Culvert.

Learned counsel for the C.M.C. submits that by the next date, all the encroachments over the drain shall be removed and compliance report shall be produced.

Necessary Police protection shall be provided by the D.C.P., Cuttack for removal of all the unauthorized encroachments over the drain in the Pilgrim Road from Revenshaw Main Gate to Chhatra Bazar Culvert and no pick and choose method shall be applied. Learned Government Advocate shall pass on necessary instruction to the D.C.P., Cuttack in this regard.



List this matter on 29.08.2024.

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

**( V. Narasingh )  
Judge**

118.  
08.08.2024

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

As per order No.101 dated 25.07.2024, we asked the Secretary, Cuttack Development Authority to remain present to address this issue.

Learned Government Advocate seeks some more time to obtain instruction in this regard.

Mrs. Jyotirmayee Pradhan, Secretary, Cuttack Development Authority, who is present in Court and Mr. Dayananda Mohapatra, learned counsel for the C.D.A. submitted that in this issue, the role of CDA is very limited.

Personal appearance of Mrs. Jyotirmayee Pradhan, Secretary, Cuttack Development Authority is dispensed with for the time being.

List this matter on 29.08.2024.

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

**(V. Narasingh)  
Judge**



119.  
08.08.2024

**RE-ENCROACHMENT IN BADAMBADI AREA**

As per order no.102 dated 25.07.2024, we asked the D.C.P., Cuttack to file an affidavit regarding re-encroachment of public pavement in Badambadi area and regarding the steps taken, if any, against the police officials who flouted the orders of this Court.

The D.C.P., Cuttack files an affidavit wherein it is stated that one A.S.I. of Police namely Narayan Chandra Mallick of Badambadi police station has been designated as the Nodal Officer by the Inspector in-charge of Badambadi police station to conduct the enforcement drive to keep the public pavement free from re-encroachment by the road side vendors from Badambadi to Link Road, Dolamundai to Chhatrabazar and Badambadi to Khannagar on regular basis within the jurisdiction of Badambadi police station. The affidavit is taken on record.

Copy of the affidavit has been served on the learned President of Orissa High Court Bar Association, who seeks some time to go through the same and submit his response.

Accordingly, list this matter on 29.08.2024.

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

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



120.  
08.08.2024

### **WATER LOGGING**

As per order no.104 dated 25.07.2024, we asked a detailed proposal to be given by the Advocates' Committee through the learned President of Orissa High Court Bar Association to the learned counsel appearing for the C.M.C. regarding solution to water logging problem and placement of pumps to drain out water.

Learned President of Orissa High Court Bar Association seeks some more time to give the detailed proposal to the learned counsel for the C.M.C.

List this matter on 29.08.2024.

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

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

121.  
08.08.2024

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

As per order no.75 dated 27.06.2024, learned counsel for the C.M.C. assured that two numbers of VOLVO Pumps with adequate horsepower would be installed in the Mahatab Road area and Professorpada area for drainage of rain water so that water logging could be decreased/minimized.

Mr. Acharya, learned counsel submitted that in terms of such order, steps have not been taken by the



C.M.C. for which the people of the locality are in serious problem.

Learned counsel for the C.M.C. seeks time to obtain instruction on this issue and apprise this Court on the next date.

List this matter on 29.08.2024.

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

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

122.  
08.08.2024

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

As per order no.107 dated 25.07.2024, on the basis of affidavit filed by the City Engineer, C.M.C., time was taken for uploading all the developmental works undertaken by the C.M.C. in different wards in the dedicated website.

Learned counsel for the C.M.C. seeks some further time to obtain instruction in that respect.

List this matter on 29.08.2024.

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

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



123.  
08.08.2024

**I.A. No.10283 of 2024**

This interim application has been filed by the intervenor, who is a resident of Ward No.42 of C.M.C. with a prayer for a direction to the Commissioner, Cuttack Municipal Commissioner to make an inquiry regarding exit point of drainage of School campus of Chauliaganj U.P. School, Chauliaganj, Cuttack.

Some photographs have been annexed to the interim application to highlight the accumulation of rain water inside school campus.

Copy of the interim application has already been served on the learned counsel for the C.M.C., who submits that immediate steps shall be taken to address this issue so that hygienic environment is maintained in the school campus and he will apprise this Court on the next date.

List this matter on 29.08.2024.

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

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

124.  
08.08.2024

**I.A. No.7834 of 2024**

This interim application has been filed by the Cuttack Street Vendor Association with a prayer to direct the State Government and the C.M.C. to initiate



rehabilitation measures for the street vendors, who have been evicted from the vending zone where they were carrying on business since long without any rehabilitation measures.

Learned counsel for the C.M.C. shall obtain instruction on this interim application and give a list of vending zones for the street vendors in different areas of Cuttack City and he will apprise this Court on the next date.

List this matter on 29.08.2024.

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

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

125.  
08.08.2024

**ISSUE RELATING TO STRAY DOGS AND CATTLE**

During the course of today's deliberation, members of the Bar raised concern relating to difficulties in movement of traffic on account of cattle left unattended on the roads and menace of stray dogs. It was stated that the same is also leading to road accidents and sometimes resulting in loss of precious lives.

Taking note of such concern expressed at the Bar, learned Government Advocate and learned counsel for the C.M.C. are called upon to submit an



action plan to deal with the issues which shall be taken up for consideration on the next sitting of this Court on 05.09.2024.

List this matter on 05.09.2024.

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

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

126.  
08.08.2024

**WASTE DISPOSAL OF CITY HOSPITAL**

A news item was published on 08.08.2024 in the vernacular daily relating to alleged discharge of waste materials of "City Hospital" into "Ganga Mandir Pond".

Considering the health hazard it poses, such publication is taken on record.

Copy of such news item has been handed over to the learned Government Advocate and learned counsel for the C.M.C. for submitting their response by way of affidavit.

The Advocates' Committee of the area is also requested to make a spot visit and submit its report in this regard by 31.08.2024 serving a copy thereof on the learned counsel for the Parties which shall be taken up for consideration on 05.09.2024.



List this matter on 05.09.2024.

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

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

127.  
08.08.2024

**OTHER PROBLEMS**

Mr. B.K. Das, learned President of the High Court Bar Association has filed some news paper clippings relating to water logging of different areas in Cuttack City.

Copy of the same has been furnished to the learned counsel for the C.M.C. who assures this Court that he would instruct the authorities to do the needful and ensure that the problems are addressed by the next date.

List this matter on 29.08.2024.

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

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