



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*

*Mr. Manoj Kumar Mishra,
Sr. Advocate (Intervener)*

CORAM:

JUSTICE S.K. SAHOO

JUSTICE V. NARASINGH



ORDER
29.08.2024

Order No.

128.
29.08.2024

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

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

As per order no.108 dated 08.08.2024, since it was reported to us that encroachment from *O.M.P. Square to Nuabazar* has been removed, let the I.I.C. Chauliaganj Police Station file an affidavit that he is taking all possible steps so that there would be no re-encroachment over the encroachment-free area(s) from *O.M.P. Square to Nuabazar* and regular monitoring is being carried out to maintain the same.

As per order no.108 dated 08.08.2024, Mrs. Swetapadma D. Satpathy, Deputy Commissioner (Land & Enforcement), C.M.C. assured us that the left out encroachments as per the Advocates Committee's Report from *Link Road to Badambadi* shall be cleared.

Today, learned counsel for the C.M.C. has filed the compliance affidavit in terms of order no.108 wherein it is mentioned that the unauthorized encroachments over the following areas, as indicated by the Advocates Committee's in their report dated 03.08.2024, have been removed, i.e.

- I) Near Badambadi Sankarpur Puja Mandap.
- II) Tarini Mandir at Palamandap, Badambadi.



- III) Trinath Mandir, Badambadi (at the corner of link leading to old L.I.C. colony).
- IV) Debris found over the drain from Badambadi to Link Road near H.D.F.C. Bank, Badambadi Branch has been removed/cleaned.
- V) The garbage accumulated in the drain running along the road from Badambadi to Link Road has been removed/cleaned.

Mrs. Swetapadma D. Satpathy, Deputy Commissioner (Land & Enforcement), C.M.C appeared through virtual mode and also submitted that whatever shortcomings were pointed out relating to unauthorized encroachment from *Link Road to Badambadi* area in the Advocate Committee's report have been cleared.

This Court appreciates the efforts of the C.M.C., particularly of Mrs. Swetapadma D. Satpathy, Deputy Commissioner (Land & Enforcement), C.M.C. in this regard.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

129.
29.08.2024

I.A. Nos.11288 & 11289 of 2024

Mr. Manoj Kumar Mishra, learned Senior Advocate appearing for the Sankarpur-Badambadi Puja



Committee, Cuttack submits that since a major portion of Puja Mandap has been demolished in the eviction drive, a suitable land may be allotted to the Puja Committee in the vicinity to observe the ensuing Durga Puja.

If any application is made in that behalf, the Appropriate Authority is to consider the same in accordance with law. This Court refrains from expressing any opinion in this regard.

Accordingly, both the I.As. are disposed of.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

130.
29.08.2024

**MAINTENANCE OF BEAUTY OF TALADANDA
CANAL**

As per order no.110 dated 08.08.2024, Mr. Debasis Nayak-A, learned counsel for C.M.C. took time to obtain instruction regarding discharge of drain water of Taladanda Canal.

Mr. Atanu Kumar Samanta, City Engineer appears through virtual mode and submits that he shall file a detailed affidavit in this regard to address the same.

Plantation drive seems to have undertaken from



Jobra by the side of Taladanda Canal. Learned counsel for the C.M.C. shall apprise this Court on the next date as to who is the executing agency and up to which area by the side of Taladanda Canal, such plantation drive is to be carried out and the time frame to complete such plantation drive.

All the garbage, construction waste dumped on the stretch from Jobra to Biribati Tarini Temple by the side of Taladanda Canal which has led to congestion of the canal road and polluting the environment of the localities nearby shall be removed/cleared immediately and a report to that effect to be furnished by the learned counsel for the C.M.C. on the next date.

Put up this matter on 19.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

KRUSHAK BAZAAR (WARD No.7)

131.
29.08.2024

As per order No.112 dated 08.08.2024, Mr. Satyabrata Mohanty, learned counsel for the R.M.C. has filed an affidavit on behalf of the Secretary, R.M.C. wherein various steps taken to maintain the cleanliness of Krushak Bazar have been mentioned. However, it is stated that there used to be water logging in the



Krushak Bazar and this problem arises on account of non-completion of the drain work by C.M.C. for which an artificial pond has been dug with the help of J.C.B. to minimize the water logging in the market.

It is also brought to the notice of this Court by the learned counsel for the R.M.C. that a particular place inside Krushak Bazar has been earmarked for stacking garbage, which were to be removed on day-to-day basis from Krushak Bazar by the C.M.C. authorities, but the C.M.C. is not doing their part which has lead to unhygienic conditions.

Smt. Ipsita Priyadarshini, the Joint Commissioner, Sanitation, C.M.C. appears through virtual mode and assures that she would visit Krushak Bazar within next two days and verify the spot and appropriate steps shall be taken within a week thereafter to ensure that all the garbage are removed and it is done on a day-to-day basis.

Learned counsel for the C.M.C. submits that the drainage work inside the Krushak Bazar will be carried out very soon and he will apprise this Court in that respect.

Mr. S.P. Sarangi, learned counsel submits that a public road which is passing in the middle of Krushak Bazar has been damaged extensively and it needs immediate repair work.

Let the repair work be carried out by the C.M.C.



immediately.

List this matter on 19.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

132.
29.08.2024

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

As per order No.115 dated 08.08.2024, learned counsel for the C.M.C. files para-wise compliance report with regard to the issues highlighted in the previous order.

So far as water logging on the road from Hotel Sai Continental leading to Sarthak Palace is concerned, it is submitted that steps would be taken to replace the damaged pipelines and construction of gutter chambers within one month so as to minimize the water logging.

Responding to the concern raised regarding blocking of roads by the vehicles of customers on either side of the road, it is submitted that the A.C.P. (Traffic), Cuttack may be directed in that regard to take appropriate steps.

Learned Government Advocate, Mr. Patnaik submits that he will instruct the A.C.P. (Traffic) to do the needful to avoid blocking of main road by the



vehicles.

With regard to water logging issue from fish market to Rotary Eye Hospital, it is apprised that the gutters have been cleaned and the water logging has been reduced. It is also submitted that the storm water is being normally cleared within two hours after the stoppage of rain.

In the previous order, concern was raised regarding water logging at Sector-7 square. It is stated that the underlying drainage pipelines were laid nearly three decades back and have been damaged. Therefore, steps are being taken to replace the old pipelines so also to construct gutters to resolve the water logging issue.

List this matter on 19.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

133.
29.08.2024

SPREADING OF DENGUE IN CUTTACK CITY

It is reported in print media recently that more than a dozen of dengue cases have been reported in Cuttack City in past few weeks and last year 667 dengue cases were reported in C.M.C area.

The C.M.C. authorities shall do the needful in



sending the workers to visit door to door to spread awareness for the next three months.

Samples shall be collected on regular basis from the affected areas and to be sent to laboratory for testing.

It is needless to state that immediate treatment shall be provided, if anyone is found to be affected with dengue or malaria.

It is stated at the Bar that wild vegetation which has covered most of the open spaces and water logging in different areas of the City is also a factor for the surge in dengue cases. The same need to be addressed on an urgent basis.

And, Bush cutting, fogging (insect control) and cleanliness activities are to be intensified.

The learned counsel for the C.M.C. shall apprise this Court on the next date about the steps taken in this regard.

List this matter 19.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

134.
29.08.2024

I.A. No.7834 of 2024

As per order No.124 dated 08.08.2024, learned counsel for the C.M.C. was asked to furnish a list of



vending zones for the street vendors in different areas of Cuttack City.

Today in the compliance report, it has been indicated that 24 numbers of sites have been identified by the C.M.C. for the purpose of vending zones within C.M.C. area and of sites have been enclosed.

Let a copy of the compliance report be handed over along with the details of the vending zones to Mr. Debasish Panda, learned counsel for the Intervenor by day after tomorrow.

Mrs. Swetapadma D. Satpathy, Deputy Commissioner (Enforcement) of the C.M.C. who was present through virtual mode submits that steps are being taken by the City Engineer in this regard and on the next date, she will apprise this Court about the developments on this count.

List this matter on 19.09.2024.

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

**(V. Narasingh)
Judge**

135.
29.08.2024

ENCROACHMENT OVER THE DRAINS IN PILGRIM ROAD, CUTTACK

As per order No.117 dated 08.08.2024, we directed for removal of unauthorized encroachment over the drain in the pilgrim road, Cuttack from



Revenshaw Main Gate to Chhatra Bazar Culvert.

The learned counsel for the C.M.C. has submitted the compliance report in which it is mentioned that the encroachments made over the drains in Pilgrim Road, Cuttack have been removed.

However, it is stated at the Bar that there is still encroachment in that area beyond Ambika Hotel and debris have not been cleared.

Let a responsible officer of the C.M.C. be deputed to the said area on prior intimation to the learned President of OHCBA so that he can ask some of the members of the Advocate's Committee to remain present at the time of spot verification to point out the areas where there is still encroachment.

List this matter on 19.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

136.
29.08.2024

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

As per order No.118 dated 08.08.2024, learned counsel for the State took time to obtain instruction on this issue.

Today, Mr. Pattnaik, learned Government



Advocate has produced the letter dated 16.08.2024 of the Superintending Engineer, Cuttack (R&B) Division No.1 which is addressed to the Commissioner, Cuttack Municipal Corporation wherein it is mentioned that the widening and strengthening work of the right embankment road of Taladanda Canal leading from Nuabazar to Biribati is in progress and will be completed shortly. After completion of the road, the street light system would be necessary for convenience of general public for free movement. In this regard, necessary estimate for street light system has been submitted to the Commissioner, Cuttack Municipal Corporation to deposit the required funds for the purpose.

In response to the aforesaid letter dated 16.08.2024, a letter has been issued by the Commissioner, Cuttack Municipal Corporation to Superintending Engineer, Cuttack (R&B), Division No.1 dated 23.08.2024 wherein it has been mentioned that the estimated cost of Rs.3,31,15,900.00 (Rupees Three Crores Thirty-One Lakhs Fifteen Thousand Nine Hundreds) towards the work "Installation of Street Lights at Taladanda Canal Embankment Road from NH-16 Junction to Nayabazar Junction (Both sides) and Nayabazar Junction to Matagajpur Nua Bandha Level Crossing, (Right side), Cuttack within CMC area under State Plan due to widening & strengthening of above



road” has been submitted.

Learned Government Advocate submits that the road is likely to be completed within a month and in the meantime, fund will be allotted to the C.M.C. to take the necessary follow up action.

Learned Government Advocate shall apprise this Court when the fund will be allotted to the C.M.C. on the next date.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

137.
29.08.2024

RE-ENCROACHMENT IN BADAMBADI AREA

Mr. Dash, learned President of the High Court Bar Association after going through the affidavit filed by the DCP, Cuttack submits that he is satisfied with the affidavit and he has no further grievance on this issue.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



138.
29.08.2024

WATER LOGGING

As per order no.120 dated 08.08.2024, the President of the High Court Bar Association today submits a detailed proposal for permanent measures for speedy drainage of rain water during Monsoon Season at Ward No.27 New Rausapatna; temporary measures for speedy drainage of rain water during Monsoon Season for speedy clearance of rain water at Ward No.27 New Rausapatna and general measures for speedy drainage of rain water during Monsoon Season for speedy clearance of rain water in the entire Cuttack city.

The documents with some photographs filed in Court are taken on record.

Copy of the same has been handed over to the learned counsel for the C.M.C. as well as Er. N.K. Mohanty, learned Amicus Curiae in Court today who seeks some time to go through the same and apprise this Court about the steps required to be taken in this regard by the next date.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



139.
29.08.2024

I.A. No.7922 of 2024

As per order no.121 dated 08.08.2024, a submission was made by learned counsel, Mr. Acharya that steps have not been taken by the C.M.C. in pursuance of the order No.75 dated 27.06.2024 for which the people of the locality are in serious problem and learned counsel for the C.M.C. took time to obtain instruction.

In the compliance report, it has been indicated that One Volvo Pump has been installed at the vulnerable location permanently and being functional during the rains. The dewatering is being ensured from the water logging location into the nearby Box Drain. As it is very low lying area, the dewatering is actually possible after 2 hours of stopping of rain. If required, another Volvo Pump can be kept in readiness for installation at that spot within very short time.

Learned counsel, Mr. Acharya submits that he wants to file his response to the stand taken by the C.M.C. in the said compliance report.

List this matter on 19.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



140.
29.08.2024

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

As per order No.122 dated 08.08.2024 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 further time to comply with the said order dated 08.08.2024.

List this matter on 19.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

141.
29.08.2024

I.A. No.10283 of 2024

As per order No.123 dated 08.08.2024, we directed to take immediate steps for draining out the water from the school campus of Chauliaganj U.P. School, Chauliaganj, Cuttack, so that hygienic environment shall be maintained inside the school campus.

Learned counsel for the C.M.C. has filed the compliance report wherein, it is mentioned that the site inspection was made by engineering personnel of C.M.C. and it is found that there is a drain which is running by the side of the school wall and the said drain is not connected to the main drain i.e. Cuttack-Paradeep Road. However, to mitigate the present



water logging situation, one pump set has already been installed to drain out the storm water from school campus. The C.M.C. is also taking steps for construction of drain from the existing drain at school premises area to main drain at Cuttack-Paradeep Road for its permanent solution.

The City Engineer, Mr. Atanu Kumar Samanta who was present through virtual mode has assured this Court that within a period of four months, the said drain construction work shall be completed.

List this matter on 03.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

142.
29.08.2024

OTHER PROBLEMS

Mr. Bijay Kumar Dash, learned President of the High Court Bar Association by producing the paper clippings by way of a memo has brought to our notice the water logging situation in various places of Cuttack, which includes Mahatab Road New Colony (Ward No.36), Non-Trauma Casualty Compound, SCB Medical College & Hospital and CDA Sewerage Line.

Copy thereof has been served on learned counsel for the C.M.C. so also learned counsel for the WATCO.



Learned counsel for the C.M.C. shall take immediate steps for the water logging problem in Non-Trauma Casualty Compound, SCB Medical College & Hospital and the Advocates' Committee will visit the place on 01.09.2024 and apprise this Court about the steps taken by the CMC on the next date.

List this matter on 05.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge