



**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  
Mr. Debasis Nayak-A, Addl. Govt.  
Advocate & Advocate for CMC  
Mr. Bijay Kumar Dash, Advocate  
President of Orissa High Court  
Bar Association*

**CORAM:**

**JUSTICE S.K. SAHOO**

**JUSTICE V. NARASINGH**

**ORDER**

**05.09.2024**

**Order No.**

143.  
05.09.2024

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

**S.C.B. MEDICAL COLLEGE AND HOSPITAL  
COMPOUND**

As per order no.142 dated 29.08.2024, the C.M.C. authorities were directed to take immediate steps to address the water logging problem in Non-Trauma Casualty Compound, S.C.B. Medical College



& Hospital and the Advocates' Committee was also asked to visit the Hospital premises.

Mr. Bijaya Kumar Dash, learned President of the Orissa High Court Bar Association has submitted Advocates' Committee Report enclosing the photographs today in Court wherein it is stated that the cause of water logging is the dripping of water from the canopy over the portico in front of the Non-Trauma Casualty Compound. It is also reported that the difference in the floor level and the road level is not adequate, which is another possible reason for water-logging inside the Non-Trauma Casualty Compound besides poor drainage of water during moderate to heavy rains. The report is taken on record.

Referring to the photographs, Mr. Dash submitted that cleanliness and hygienic condition of Non-Trauma Casualty Compound, S.C.B. Medical College & Hospital is far from satisfactory and immediate steps are required to be taken in that regard as large number of patients and public frequent the casualty every day. He has also produced before us the video clippings, which are played in Court.

Copy of the report submitted by the Advocate's Committee has been handed over to Mr. Nayak,



learned Additional Government Advocate who is also Advocate for the C.M.C., who seeks time to obtain instruction in the matter.

It is also stated that there are water logging and other civic problems in the Post-mortem Centre as well as in and around the other Wards of S.C.B. Medical College and Hospital, Cuttack and water from nearby drain overflows and floods the autopsy room of S.C.B. Medical College making it difficult to conduct post mortem examination. It is borne out from media report(s) that waste water from a nearby overflowing drain inundated the road stretching from F.M.T. Department to the Post-mortem room for which the doctors and hospital staff were forced to remain inside the department.

The Advocate's Committee is requested to visit the Post-mortem Centre and other Wards of the S.C.B. Medical College and Hospital and submit a report relating to cleanliness, hygiene etc. on the next date. There should not be any hindrance in the functioning of the doctors, staff or inconvenience to the patients and their attendants during such visit of the Advocates' Committee to the hospital premises.

The Superintendent of S.C.B. Medical College and Hospital, Cuttack shall make necessary arrangements so that the Advocate's Committee



perform their assigned work smoothly inside the hospital campus. The Deputy Commissioner of Police, Cuttack shall make necessary security arrangements in that regard.

Mr. Dash, learned President of the High Court Bar Association will intimate the date of visit to the hospital well in advance to Mr. Jyoti Prakash Patnaik, learned Govt. Advocate, who in turn shall communicate the same to the Superintendent of S.C.B. Medical College and Hospital, Cuttack as well as Deputy Commissioner of Police, Cuttack.

List this matter on 19<sup>th</sup> September 2024.

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

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

**WASTE DISPOSAL OF CITY HOSPITAL**

144.  
05.09.2024

As per order no.126 dated 08.08.2024, basing on the news item published in the vernacular daily relating to alleged discharge of waste materials of "City Hospital" into "Ganga Mandir Pond", we asked the learned counsel for the State so also the learned counsel for the C.M.C. to submit their response by



way of affidavit. The Advocates' Committee was also requested to make a spot visit and submit a report.

Mr. Bijaya Kumar Dash, learned President of Orissa High Court Bar Association has produced some photographs and submitted that the media reports are correct. It is stated that hospital waste is contaminating the pond water and it can cause harm to the people if they use it for any purpose and it is likely to spread infectious diseases. It is also stated that even if any livestock uses it for any purpose, serious health consequences are likely to follow.

On a bare perusal of the photographs, we are deeply distressed to see the condition of the pond which was once filled with crystal clear water, lotus flowers, swans and colourful birds.

Mr. Debasish Nayak, learned counsel for the C.M.C. has produced a report before us wherein it is mentioned that a joint meeting is going to be held on 13.09.2024 under the chairmanship of the Commissioner of C.M.C. comprising of the Superintending Engineer (R & B Division-1), Cuttack, the City Engineer, C.M.C., the Health Officer, C.M.C., the Deputy Commissioner (Land), C.M.C. and the C.D.M. & P.H.O., Cuttack for taking appropriate steps/remedial measures to resolve the issue, i.e., to avert the disposal of the waste material of City



Hospital into Ganga Mandir pond.

The report produced by the learned counsel for the C.M.C. so also the photographs produced by the Advocates Committee are taken on record.

Mr. Anam Charan Patra, Additional Commissioner of C.M.C., who is now in charge of the Commissioner of C.M.C., Mr. Atanu Kumar Samal, City Engineer, C.M.C. and Dr. Satyabrata Mohapatra, Health Officer of C.M.C. are present through virtual mode.

Let the C.M.C. Authorities take immediate steps even before the scheduled meeting in this regard so that no public should use the water of Ganga Mandir pond for any purpose and no livestock gets affected by using such water. Due publicity be given inter alia placing appropriate notice board in and around Ganga Mandir pond cautioning the people not to use the water. Immediate steps shall be taken to remove garbage from Ganga Mandir pond within a week and other steps, as would be required to clean and purify the water, shall also be taken. Steps shall also be taken to prevent further contamination of the water by restricting the drain flow from City Hospital. Alternative arrangement is to be made for disposal of biomedical waste of City Hospital.

It is stated at the Bar that the Commissioner of



C.M.C. post is lying vacant for more than a month.

Mr. Jyoti Prakash Patnaik, learned Government Advocate submits that he will take specific instruction as to when the Commissioner of C.M.C. will join.

List this matter on 19<sup>th</sup> September 2024.

A free copy of this order be supplied to the learned Government Advocate and the learned counsel for the C.M.C.

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

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

**ISSUE RELATING TO STRAY DOGS AND CATTLE**

145.  
05.09.2024

As per order no.125 dated 08.08.2024, on the concern of the members of the Bar relating to difficulties in movement of traffic on account of cattle left unattended on the roads and menace of stray dogs, we asked the learned counsel for the State so also learned counsel for the C.M.C. to submit an action plan to deal with such issues.

Learned counsel for the C.M.C. apprised us by submitting the report, wherein it is indicated that the



cattle seizing operation is being carried out by C.M.C. in two shifts i.e. from 7.00 a.m. to 12.00 noon and from 2.00 p.m. to 7.00 p.m. by engaging seven numbers of cattle seizures in each shift and for such operation, one cattle seizing trolley has been deployed. It is further indicated that the seized cattle are kept in the Kine House of C.M.C. at Satichoura for a period of seven days and within the said seven days, the cattle are released to the owners with proper identification by collecting fine along with feeding charges and when the cattle are not being claimed by any person within the said days, they are being left 20 k.m. away from Cuttack City at night hours as per the order dated 17.08.2001 passed by this Court in O.J.C. No.6721 of 1999 and the public in general of the City are being made aware through the public address system by C.M.C. not to release their cattle to the road. It is further indicated that during the period from 01.04.2024 to 31.08.2024, total amount of Rs.2,69,600/- (rupees two lakhs sixty nine thousand six hundred) has been collected from the cattle owners towards fine and feeding charges etc.

After going through the report placed before us, we are of the view that a proper action plan is required to be drawn up increasing the resources and



logistics to address this issue since there are 59 wards in C.M.C. The learned counsel for the C.M.C. will apprise us the steps taken in that regard on the next date.

So far as stray dogs menace in Cuttack city is concerned, the learned Government Advocate Mr. Patnaik submitted that in view of the decision of the Hon'ble Supreme Court as well as Notification of the Central Government under the Animal Birth Control Rules, 2023, steps are required to be taken.

The Health Officer, C.M.C., Cuttack Dr. Satyabrata Mohapatra submitted that in pursuance of such decision and Rules, steps have already been taken. He has produced an application dated 19.03.2024 before us. It is stated that no response has been received.

Let the learned Deputy Solicitor General of India Mr. Prasanna Kumar Parhi obtain instruction from the Chairman, Animal Welfare Board of India under the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India as to the reason for delay in giving the response to the application submitted by the Health Officer, C.M.C., Cuttack.

List this matter on 03.10.2024.

A free copy of this order be handed over to Mr. P.K. Parhi, learned Deputy Solicitor General of India



for information and necessary action.

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

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

**DISCHARGE OF EFFLUENTS OF DRAINS INTO  
TALADANDA CANAL**

146.  
05.09.2024

As per order no.110 dated 08.08.2024, the Special Secretary to Government in Health & Urban Development Department and EIC, OWSSB, Government of Odisha visited the Taladanda Canal and in this regard, a Detailed Project Report (DPR) amounting to Rs.32,32,95,989.27 (rupees thirty two crores thirty two lakhs ninety five thousand nine hundred eighty nine and paise twenty seven) has been prepared for the disposal of waste water and storm water from Urban Hat to Nayabazar into MSWC-I and submitted to the Government in H. & U.D. Department vide letter no.12819 dated 23.08.2024 for necessary approval and sanction of fund for execution of the said work.

Mr. Patnaik, learned Government Advocate shall apprise us on the next date as to when the necessary approval and funds will be sanctioned



under this heading.

Mr. Nayak, learned counsel for the C.M.C. shall produce the D.P.R. on the next date.

List this matter on 03.10.2024.

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

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

**WIRE MESH FENCING AND DAMAGE FOOTPATH  
ON BOTH SIDES OF TALATANDA CANAL**

147.  
05.09.2024

As per order no.110 dated 08.08.2024 relating to repair work of wire mesh protective fencing on both sides of Taladanda Canal, a compliance report has been filed in Court. The same is taken on record.

It is stated that the Superintending Engineer, Mahanadi South Division-I vide Letter No.-7689 dated 27.08.2024 has intimated that the repair work of wire mesh fencing on both sides of Taladanda Canal executed by Mahanadi South Division under Water Resources Department has already been completed. However, regarding heightening of existing wire mesh, it is stated that, as per the information of the Official of Mahanadi South



Division-I, it is not technically possible for heightening of existing wire mesh, because wire mesh of higher height cannot remain permanently on the existing foundation as the existing foundation is not having much strength to hold the wire mesh of higher height. In this connection, the sign boards have been displayed on the side of the Taladanda Canal for public awareness purposes, requesting the public not to throw garbage into the Taladanda Canal. It is also mentioned in the sign board that any person found throwing the garbage into the Taladanda Canal will be liable to pay penalty.

The Advocates' Committee is requested to make a visit and submit a report as to whether the wire mesh fencing work has been completed on both the sides of Taladanda Canal, as stated in the compliance report on the next date. The Superintending Engineer, Mahanadi South Division-I shall accompany the Advocates' Committee. The D.C.P., Cuttack shall provide necessary security so that there is no hindrance during such visit. The learned Government Advocate shall coordinate between the parties to fix the date and time of visit.

So far as repair work of damaged footpath on both sides of the Taladanda Canal which is adjacent to the wire mesh fencing is concerned, it is stated



that the executing agency Engineers Project India Limited (EPIL), who has been assigned to execute the Taladanda improvement and beautification work has already been instructed to do the repair work of damaged portion of the footpath on both the sides of the Taladanda Canal within one month.

Learned counsel for the CMC shall apprise this Court about the progress of repair work of damaged footpath on the next date.

List this matter on 19.09.2024.

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

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

### **STATE OF ROADS AND OTHER CIVIC AMINITIES**

148.  
05.09.2024

During the course of today's deliberation, serious concern was expressed at the Bar regarding the condition of the roads in Cuttack City as well as the other civic amenities including parks.

Keeping in view the ensuing festive season, since the issues need to be addressed on an emergent basis, the same shall be taken up on the next sitting of this Court in this regard on 12.09.2024. On the said date, Commissioner of C.M.C., Vice Chairman of CDA, Superintending



Engineer of R & B Division shall remain present physically/virtually to assist the Court in effectively addressing the issue.

Learned President of the High Court Bar Association has submitted the list of Advocates, who have been nominated on the basis of their consent, to ventilate grievance of the respective Wards. The same is taken on record.

Learned Advocates are requested to submit a note regarding the conditions of roads and other amenities in their respective Wards to the President of the High Court Bar Association by 09.09.2024 and copy thereof shall be handed over to the learned Government Advocate, Mr. Pattnaik as well as learned counsel for the C.M.C., Mr. Nayak and learned counsel for the CDA, Mr. Dayanand Mohapatra by 10.09.2024. The issues highlighted in the said report(s) shall be taken up for consideration on 12.09.2024 in the presence of the Officials as noted above.

List this matter on 12.09.2024.

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

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



**I.A. No.10922 of 2024**

149.  
05.09.2024

Copy of the I.A. filed for intervention has been served on Mr. Nayak, learned counsel for the C.M.C. in Court to enable him to obtain instruction in the matter.

List this matter on 26.09.2024.

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

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