



IN THE HIGH COURT OF ORISSA AT CUTTACK

SUO MOTU W.P.(C) PIL No.2140 of 2020

Registrar (Judicial),

Orissa High Court, Cuttack Petitioner

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

19.09.2024

Order No.

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

**MAINTENANCE OF BEAUTY OF TALADANDA
CANAL**

157.
19.09.2024

As per order no.130 dated 29.08.2024,

(i) The City Engineer was asked to file a



detailed affidavit regarding the discharge of drain water into Taladanda Canal.

The City Engineer appears through virtual mode.

Mr. Debasis Nayak, learned counsel for the C.M.C. while filing a status report submits that a detailed affidavit on this issue will be filed by the City Engineer on the next date. In the status report, it is mentioned as follows :-

“Regarding discharge of effluents of drains into Taladanda Canal, it is pertinent to mention here that keeping in view the observations of the Hon’ble High Court in *Suo Motu W.P.(C) PIL No.2140/2020* and as per the instruction of the Additional Chief Secretary to Govt. in H & U.D. Department and EIC, OWSSB, Govt. of Odisha to the Taladanda Canal and recommended for diversion of 08 nos. of drains of Cuttack Municipal Corporation to prevent drain water flow into Taladanda Canal. In this regard, a Detailed Project Report (DPR) amounting Rs.32,32,95,989.27 (Rupees thirty-two crores thirty-two lakhs ninety-five thousand nine hundred eighty nine point two seven only) has been prepared for the construction of Drain for disposal of waste water cum storm water from Urban Hat to Nayabazar into MSWC-1 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 said work. (Copy of the CMC Letter dated 23.08.2024 is enclosed for kind reference).



After getting approval and sanctioning of fund of Rs.32,32,95,989.27 (Rupees thirty-two crores thirty-two lakhs ninety-five thousand nine hundred eighty nine point two seven only) from the Govt. in Housing & Urban Development Department, the Cuttack Municipal Corporation will float tender for execution and completion of the said work. As the estimated cost of the said project is more than Rs.32.00 crores, it will take minimum one year for completion of the project. It is humbly stated that only after the completion of the said drain, the existing outfall points to the Taladanda Canal can be closed. However, prior to construction of proposed drain, if now the outfall points will be closed, the upstream side of the adjoining drains, i.e. Near Urban Hat at Malgodown area, Light House, Police Colony, Kunja Bihari School of Chauhiaganj area will be severely water logged and submerged and the local people will suffer very much."

Let the learned Government Advocate obtain instruction regarding the approval and sanction of the fund for the execution of the work.

List this matter on 24.10.2024.

(ii) Learned counsel for the C.M.C. was asked to apprise this Court as to who is the executing agency of the plantation drive 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.



In the status report submitted by the learned counsel for the C.M.C, it is mentioned as follows :-

“Regarding plantation work starting from Jobra by the side of Taladanda Canal, it is stated here that one Govt. of India Undertaking Agency, i.e., Engineering Projects (India) Limited (EPIL) was assigned by Cuttak Municipal Corporation to execute the plantation work at the side of the Taladanda Canal and for the said purpose, the required plants are being provided by the DFO, Cuttack and in the meantime, around 400 nos. of plants have been planted with Tree Guards from Jobra to Railway Dockyard.

In this connection, it is further mentioned here that the renovation and extension work of road from Jobra to NRRI is being executed by the R & B, Division No.-1, Cuttack. After completion of the said renovation and extension work, the said area will be planted.”

(iii) Mr. Bijay Kumar Dash, President of Orissa High Court Bar Association submits that the Advocates’ Committee visited the site, i.e. the road from Jobra to Naya Bazar by the side of Taladanda Canal to check dumping of garbage and construction waste.

A video presentation is also made, which shows that garbage has been stacked at a particular place on the side of the public road nearer to the railway line near Matrubhawan.



Strong odours from garbage can cause number of health issues i.e. respiratory problems, headaches, nausea, eye, nose, throat irritation and insomnia.

The Additional Commissioner of C.M.C., Mr. Anam Charan Patra submits that the clearance drive is on and the entire garbage at that particular place on that road shall be removed shortly. He further submits that garbage is being collected and dumped at the designated place.

Steps taken to clear the garbage shall be considered on the next sitting on 03.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

KRUSHAK BAZAAR (WARD No.7)

158.
19.09.2024

As per order No.131 dated 29.08.2024, learned counsel for the C.M.C. was asked to apprise this Court regarding the drainage work inside the Krushak Bazar.

Today, in the status report submitted by the learned counsel for the C.M.C., it is mentioned that the C.M.C. engineering personnel had visited the



Krushak Bazar area and they are preparing the estimate of the drain work for smooth flow of storm water into the adjacent main drain and necessary steps are being taken to complete the said drain work by following due procedure.

Mr. Atanu Kumar Samanta, City Engineer appears through virtual mode and submits that he is preparing the estimate for construction of the drain which is to be completed within a period of one week and thereafter necessary approval is to be taken from the Commissioner, C.M.C. and then tender is to be floated and work is to be executed and for such purpose, three months minimum time is required for completion of the drainage system inside the Krushak Bazar.

In the order dated 29.08.2024, Smt. Ipsita Priyadarshini, the Joint Commissioner, Sanitation, C.M.C. was asked to visit Krushak Bazar and to take appropriate steps to ensure that all the garbage are removed on day-to-day basis.

Today, Smt. Ipsita Priyadarshini, the Joint Commissioner, Sanitation, C.M.C. appears through virtual mode and submits that in pursuance of order dated 29.08.2024, she had visited Krushak Bazar and steps are being taken on day-to-day basis by deploying garbage collection vehicles to collect the



garbage from individual vendors and so far as dump yard is concerned, some building materials are stacked there which are likely to be cleared shortly.

List this matter on 03.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

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

159.
19.09.2024

As per order No.132 dated 29.08.2024, learned counsel for the C.M.C. was asked to replace the old pipelines so also to construct gutters to resolve the water logging on the road from Hotel Sai Continental leading to Sarthak Palace, C.D.A.

Learned counsels of that area Mr. Sarangi and Mr. Mohanty submit that nothing has been done in that respect in spite of the order dated 28.09.2024.

Mr. Atanu Kumar Samanta, City Engineer appears through virtual mode and submits that he will personally visit the site tomorrow (20.09.2024) to verify the problems and all possible steps shall be taken to address this issue.

List this matter on 26.09.2024.

Mr. Atanu Kumar Samanta, City Engineer shall



file an affidavit as to what steps he is proposing to take to solve the problem of water logging in the said area.

Since several important civic issues of Cuttack City are to be taken up on 26.09.2024, let the Collector, Cuttack appear before this Court in person/through virtual mode on the date fixed.

On the said date, Commissioner, in-charge C.M.C. Mr. Anam Charan Patra as well as in charge Vice Chairman of C.D.A, City Engineer Mr. Atanu Kumar Samanta and Health Officer Mr. Satyabrata Mohapatra shall remain present in Court to render necessary assistance for effective adjudication.

The learned counsel for the State shall communicate this order to the Collector, Cuttack and the concerned officials.

A copy of this order be handed over to Mr. Dayananda Mohapatra, learned counsel for the C.D.A.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

SPREADING OF DENGUE IN CUTTACK CITY

160.
19.09.2024

As per order No.133 dated 29.08.2024, learned counsel for the C.M.C. was asked to apprise this



Court regarding steps taken for preventing spreading of dengue in Cuttack City.

Today, the Health Officer, Sri Satyabrata Mohapatra appears through virtual mode and submitted that steps are being taken regularly to control the spreading of dengue in Cuttack City by resorting to different methods.

However, learned members of the Bar expressed dismay over such submission and stated that no effective steps are being taken for which the people are suffering immensely and the media reports also indicate increase in numbers of dengue patients in Cuttack City.

Let the Health Officer, Sri Satyabrata Mohapatra file an affidavit by next date regarding steps taken for checking the spreading of dengue in each ward of Cuttack City and copy of the same be handed over to the learned President of High Court Bar Association.

List this matter on 26.09.2024.

The Health Officer, Sri Satyabrata Mohapatra shall appear before this Court in person/through virtual mode.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



I.A. No.7834 of 2024

161.
19.09.2024

As per order No.134 dated 29.08.2024, Mrs. Swetapadma D. Satpathy, Deputy Commissioner (Enforcement) of the C.M.C. who was present through virtual mode was asked to apprise this Court about the developments in identifying vending zones for the street vendors in different areas of Cuttack City.

In the status report filed by the learned counsel for the C.M.C., it is mentioned that the land for 24 numbers of locations for construction of vending zones have already been identified and the concerned Executive Engineers have been instructed to take necessary steps for preparation of estimate and floating of tenders for selection of agency to execute the work. It is further mentioned that a tender has already been floated for construction of vending zone at OMP square.

Mr. Atanu Kumar Samant, City Engineer, C.M.C. present through virtual mode, stated about the details of the said tender which has been floated for construction of vending zone at OMP square. It is stated that it would be constructed in the 6th battalion at OMP Square and the work order is to be issued within a period of ten days and 80 vendors would be benefited by construction of such vending



zone. So far as the rest 23 vending zones are concerned, the work is to be expedited regarding preparation of estimate and floating of tenders for selection of agency to execute the work.

Let a detailed affidavit regarding the construction of vending zones at OMP square be filed by the next date.

Put up this matter on 03.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

ENCROACHMENT OVER THE DRAINS IN PILGRIM ROAD, CUTTACK

162.
19.09.2024

As per order No.135 dated 29.08.2024, we directed that a responsible officer of the C.M.C. be deputed to the area of the Pilgrim road on prior intimation to the learned President of OHCBA so that he could ask some of the members of the Advocates' Committee to remain present at the time of spot verification to point out the areas where there is still encroachment.

Mr. Tarananda Pattanayak, member of the Advocates' Committee for ward No.38 has filed a memo with some photographs of the area and



submitted that debris are still there and some construction materials are yet to be removed. The photographs filed in Court are taken on record.

Copy of the same has already been handed over to the learned counsel for the C.M.C., who shall carry out the order No.135 dated 29.08.2024 by the next date.

List this matter on 03.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

I.A. No.7922 of 2024

163.
19.09.2024

As per order no.139 dated 29.08.2024, a compliance report has been filed by the learned counsel for the C.M.C. regarding water logging at Dolamundai area. In the said compliance report, it has been mentioned that one Volvo pump has been installed at the said vulnerable location permanently and is functional during rain. The dewatering is being ensured from the said 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 has



been kept in readiness for installation at that spot within a very short time.

Mr. Acharya, learned counsel seeks one week time to file his response and suggest the remedial measures, if any, to be taken on the stand taken by the C.M.C. in the said compliance report.

List this matter on 24.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

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

164.
19.09.2024

As per order No.140 dated 29.08.2024, learned counsel for the C.M.C. seeks further time to comply the order dated 08.08.2024 regarding uploading of all the developmental works undertaken by the C.M.C. in different Wards in the dedicated website.

List this matter on 24.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



S.C.B. MEDICAL COLLEGE AND HOSPITAL
COMPOUND

165.
19.09.2024

As per order no.143 dated 05.09.2024, the Advocates' Committee visited the Post-Mortem Centre, Medicine Ward and Destitute Ward of S.C.B. Medical College and Hospital and they have submitted a report along with photographs, which are taken on record.

A copy of the report has been handed over to the learned counsel for the State who in turn shall hand over a copy to the Superintendent of S.C.B. Medical College and Hospital and a copy is to be sent to the Health Secretary, Government of Odisha to enable them to appear through physical/virtual mode on the next date i.e. on 26.09.2024.

In the report, after highlighting different problems, the Advocates' Committee has suggested the following remedial measures.

- “(i) Extension of shed for conducting inquest and provision of Hi Max lighting.
- (ii) Enhancement of the level of the floor of the Morgue House to prevent water logging.
- (iii) Provision of another incinerator to address the volume of bio-medical waste generated by SCN MC &H.
- (iv) Repair and renovation of toilets for use by patients as well as staff and also at the Police Aid Post near the Inquest Room with proper doors and ventilation.



(v) Repair/Installation of all doors, ceiling of wards, cabin and ICU with installation of door closures and proper lighting.

(vi) Renovation of New Medicine Block and provision of proper facilities for attendants who are required to stay for long periods.

(vii) Repair of internal roads and proper lighting along the roads.

(viii) Repair/Preventive Maintenance and wherever necessary replacement of electrical fittings including fans, Acs after verification of the wiring.

(ix) Barricading and maintenance of the area around the main entrance to S.C.B.M.C.H. from Mangalabag side.

(x) De-silting of internal drains and widening of the narrow drains.

(xi) Provision of clean drinking facility and regular cleaning of overhead tanks and maintenance of the same.

(xii) Provision of separate water connection inside autopsy room."

The report and the photographs of the different places of the S.C.B. Medical College and Hospital are taken on record.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



**REMOVAL OF ENCROACHMENTS FROM
MANGALABAG SQUARE TO ACHARYA HARIHAR
POST GRADUATE INSTITUTE OF CANCER**

166.
19.09.2024

It is brought to our notice by the Advocates' Committee that there are unauthorized encroachments over the drain from Mangalabag Square to Acharya Harihar Post Graduate Institute of Cancer and when they pointed out the same to the concerned police officials, some of the encroachments have been removed. However, some of the encroachments are still there.

Mr. Nayak, learned counsel for the C.M.C. has assured this Court to find out the alternative site for the vendors those who are in unauthorized encroachments over the drain from Mangalabag Square to Acharya Harihar Post Graduate Institute of Cancer for carrying out their business to a particular stretch.

Let steps be taken by the C.M.C. authorities to remove all the encroachments over the drain from Mangalabag Square to Acharya Harihar Post Graduate Institute of Cancer.

The compliance report is to be submitted by the learned counsel for the C.M.C. by the next date.



List this matter on 07.11.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

WASTE DISPOSAL OF CITY HOSPITAL

167.
19.09.2024

As per order no.144 dated 05.09.2024, the C.M.C. Authorities were directed to 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.

In the status report submitted by the learned



counsel for the C.M.C., the report dated 10.09.2024 of the Chief District Medical and Public Health Officer, Cuttack has been annexed, wherein it is indicated that a team visited the spot on 06.09.2024 in the presence of Assistant Engineer R & B-1, City Engineer of C.M.C., Deputy Commissioner (Land), CDM & PHO, Superintendent, DHH, Cuttack and following steps have been taken by the C.M.C.

- "1) General waste is taken by the Municipality, CMC, Cuttack for disposal;
- 2) Biomedical waste is taken by the agency namely M/s Saniclean Pvt. Ltd for treatment and final disposal as approved by State;
- 3) The liquid waste disposal is done as per low cost Karnataka model which is approved by the State Pollution Control Board, Odisha;
- 4) Rain water is draining to the main drain of the municipality."

It is specifically mentioned that waste disposal of City Hospital is not draining into Ganga Mandir Pond near to City Hospital.

Mr. Anam Charan Patra, Commissioner I/c, C.M.C. appearing through virtual mode submitted that he has already instructed the Contractor to remove the construction materials immediately. He has also submitted that the water of Ganga Mandir Pond might not be that clean for the purpose of use



of the public and he assures that effective steps shall be taken immediately to clean Ganga Mandir Pond so that the people so also livestock can use the same.

A compliance report relating to the action taken by the C.M.C. shall be submitted to this Court by the next date.

The Advocates' Committee shall visit the Ganga Mandir Pond on a particular date which is to be in the presence of the hospital authorities so also the officers of the C.M.C.

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**

168.
19.09.2024

As per order no.147 dated 05.09.2024, the Advocates' Committee was requested to make a visit and submit a report as to whether wire mesh fencing work has been completed on both sides of Taladanda Canal, as stated in the compliance report.

Mr. Bijaya Kumar Dash, learned President of the Orissa High Court Bar Association visited the spot and submitted the report stating therein that the



wire mesh fencing on both sides of Taladanda Canal i.e. starting from Jobra to Matru Bhawan Chowk and 50 meters ahead have been done and there exists 8 numbers of bridges which connects both side of the roads. Out of 8 numbers of bridges, only two numbers of bridges were fenced with wire mesh fencing and the same has been done by Mahanadi South Division and in the rest 6 numbers of bridges, there does not exist any wire mesh fencing. However it is informed to them that in those 6 numbers of bridges, wire mesh fencing will be carried out by the R & B Division No.1.

Learned counsel for the State is called upon to file an affidavit regarding completion of rest of wire mesh fencing by the next date.

List this matter on 07.11.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

169.
19.09.2024

To augment effective monitoring of the steps being undertaken by the administration in addressing the grievance of the citizens of Cuttack, the Residents Committee or Puja Committee may nominate one Advocate to represent them in



assisting this Court. The nominated Advocate of the Residents Committee or Puja Committee shall act in tandem with Advocates' Committee already functioning and they shall ventilate grievances of the residents of their area through the President of the High Court Bar Association.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge