



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

03.10.2024

Order No.

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

NODAL OFFICERS FOR THE COURT

178.
03.10.2024

As per order no.170 dated 26.09.2024, Registrar (General) of this Court was directed to act as 'Nodal Officer' and Deputy Registrar (Protocol) of



this Court was asked to assist the Nodal Officer to ensure effective implementation of the orders/directions passed by this Bench. Those Judicial officers were assigned the task to collect reports from different authorities who are dealing with the civic issues of Cuttack City, scrutinize the same, get clarifications and further information whenever necessary and submit the report to this Bench containing a summary of information so collated on the date fixed. It is made clear that such officers may in their discretion visit any of the sites to verify the correctness of the statements made in the affidavits/information supplied to this Bench regarding steps taken to resolve different civic issues, make enquiry from the locality if necessary for the purpose of preparing summary of information to be submitted before this Court.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**NOMINATION OF THE COLLECTOR TO A.D.M. AS
NODAL OFFICER**

179.
03.10.2024

As per the assurance given to this Court on 26.09.2024, Collector & District Magistrate, Cuttack



has nominated Sri Umakanta Raj, OAS (SAG), Addl. District Magistrate, Cuttack as Nodal Officer to remain present before this special Bench and to coordinate with Registrar (General), Deputy Registrar (Protocol) the Nodal Officers of the Court and with different departments as well as stakeholders involved in addressing the civic issues so that the problems can be sorted out with promptitude. The nomination order filed is taken on record.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

CONDITION OF ROADS AND OTHER CIVIC AMENITIES

180.
03.10.2024

As per order no.171 dated 26.09.2024, Mr. Bijay Kumar Dash, learned President of Orissa High Court Bar Association had handed over the data of the 44 wards of C.M.C. relating to road conditions and other civic amenities issues to Mr. Debasis Nayak-A, learned counsel for the C.M.C. He had earlier handed over such data in respect of 15 wards of the C.M.C.

Mr. Anam Charan Patra, C.M.C. Commissioner appeared through virtual mode and submitted that



he has received all the data of 59 wards submitted by the Advocates' Committee. Estimate of all the works has been prepared and Junior Engineers have been entrusted to execute the work and some works have also started in the meantime and steps are being taken to complete all the works as far as possible before Puja. He has filed the status of roads and drain repair works in different wards and the list containing the names of concerned Junior Engineers who are in-charge of different wards to look after those repair works. The same are taken on record.

Mr. Bijaya Kumar Dash, learned President of High Court Bar Association brought to the notice of this Court a news item published today in the local Odia daily under the caption of "DHALEI UPARE LOKA DEKHANIA TALI" which highlights about the poor quality of road repairing work in Rajabagicha and Jhanjirmangala and it is stated that no engineer from the C.M.C. was even present to check the quality of the works done. Those areas come under Ward No.27 of C.M.C. and as per list, Ms. Abhipsa Pattnaik, J.E. is in-charge of the work.

Ms. Abhipsa Pattnaik appeared through virtual mode and made a statement that the works are in progress in Ward No.27 and she would personally monitor the road repairing work and ensure its good



quality and all corrective measures are to be taken to see that there would be no complaint from any quarter relating to the quality of work.

Though in Ward No.27, a particular road has been shown to be in good condition, but in view of the news report and the statement of the local counsel, it appears that the correct state of affairs are not reflected in the status report furnished to this Court.

The personal appearance of Ms. Abhispa Patatnaik, Junior Engineer is dispensed with for the time being. The news clipping is taken on record.

It is brought to our notice that the areas from Sl.Nos.17 to 28 of the chart furnished by the C.M.C. come under ward No. 37 and Mr. Purusottam Mallick, Junior Engineer of the C.M.C. is in charge of the said Ward. In the said chart from Sl.Nos.17 to 28, in the appropriate column, it has been mentioned that the works would be completed by 04.10.2024. However, Mr. Debashis Nayak-A, learned counsel for the C.M.C., who belongs to the said Ward, submitted that no work in the said Ward has been taken up till today.

It is a very sorry state of affairs that the C.M.C. authorities are giving misleading statements to this Court and we hope that in future, they would desist



from such misadventure otherwise in appropriate cases, we would be constrained to take strict action against the erring officials.

Mr. Patra, the Commissioner of C.M.C. has assured this Court that the repair road work of Ward No.37 would be completed as quick as possible preferably within a week and quality of work will be ensured and he will apprise this Court on the next sitting about the progress made.

During course of hearing, Mr. Bijaya Kumar Dash, learned President of High Court Bar Association placed a memo with photographs of the condition of road leading from Cuttack Railway Station to College Square via Madhusudan Law University which shows that the road is replete with potholes and the road condition is awful. The documents are taken on record.

Mr. Pravash Kumar Majhi, Superintending Engineer, R & B Division, Cuttack submitted that steps have already been initiated for repairing the said road and it is likely to be completed and made motorable and smooth by 05.10.2024.

Mr. Bijaya Kumar Dash, learned President of High Court Bar Association also placed some photographs showing the precarious condition of the roads in Ward No.43 i.e. Aparna Nagar.



From the list submitted by the learned counsel for the C.M.C., it appears that Mr. Aditya Narayan Mishra, Assistant Engineer is in-charge of the roads of Aparna Nagar (Ward No.43).

Let Mr. Mishra visit Ward No.43 by day after tomorrow (05.10.2024), in presence of Ms. Pramila Mohanty, Advocate, who is the elected Corporator of C.M.C. and she will assist Mr. Mishra in identifying the roads which require immediate repairs. And, such repairing shall be carried out within a week hence.

During course of hearing, the Advocate Committee brought to the notice of the Court about the condition of the road in front of Chandi Mandir and stated that due to blocking of a part of the road for ongoing construction activities, there is likelihood of traffic congestion during Durga Puja and immediate steps are required to be taken.

Let the Government Advocate coordinate between the Superintending Engineer, R & B Division and the Odisha Bridge Construction Corporation (O.B.C.C.) to see that the obstruction, if any, be removed temporarily during Puja so that there would be no traffic problem during the Puja.

The Advocates' Committee pointed out water logging and the miserable condition of the roads in



Ward Nos.3, 6, 7, 10, 11, 12 and 13. The C.M.C. Commissioner has assured that immediate steps shall be taken to address the water logging problems so also repairing the roads.

Mr. Majhi, S.E., R & B Division, stated that since damage to P.W.D roads are occurring due to different activities of JICA/WATCO/OPTCL/GAIL while promoting their respective social utilities services in the city, steps are being taken to check it and the department executing the works are being asked to deposit certain amount of money for road restoration work.

Mr. Atanu Kumar Samanta, City Engineer, C.M.C. stated that in different wards, street light problems are there and steps are being taken to replace the lights and to see that no area in Cuttack City remains in dark in the upcoming Puja.

We hope that the Junior Engineers who have been entrusted with the works in different wards shall monitor the works on regular basis to ensure that it is carried out expeditiously and without compromising the quality.

This Court places on record its deep appreciation for the tireless efforts of the Advocates' Committee of the High Court in assisting this Bench.

The District Administration, C.M.C. authorities



and other Departments are also trying to cope up with the challenges on account of various civic issues of citizens. We hope that the work will continue in right earnest. Here we quote few lines from the poem 'Stopping by Woods on a Snowy Evening' by Robert Frost, "These woods are lovely, dark and deep. But I have promises to keep, and miles to go before I sleep, and miles to go before I sleep".

This Court wants to ensure that people of the Millennium City celebrate Puja without any hindrance, which is only possible on account of the conjoint effort of the civic authorities and the District Administration. We hope that they will work in tandem to achieve such goal.

List this matter on 24.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

CONTROL OF NOISE POLLUTION,
CONSTRUCTION OF HUGE MANDAP PANDALS
ON PUBLIC ROADS, FOOTPATH AND ERECTION
OF ELECTRIC GATES AND DECORATIONS AND
TRAFFIC MANAGEMENT DURING FESTIVE
SEASON

181.
03.10.2024

As per order no.173 dated 26.09.2024, on the



concern of some learned Members of the Bar relating to erection of bamboo structures within the perimeters of public roads which were leading to traffic congestion, the Collector, Cuttack had assured this Court that immediate steps shall be taken by deputing teams to visit each Puja Mandap to check such illegal construction activities on the public road and if necessary, the licence granted shall be revoked.

The Nodal Officer of this Court has brought to our notice a letter dated 01.10.2024 written by the Sub-Collector and SDM, Cuttack to the Commissioner, Cuttack Municipal Corporation, Cuttack and the Deputy Commissioner of Police, Cuttack that Khannagar Puja Committee, under Badambadi Police Station & Chandini Chowk Puja Committee, under Lalbag Police Station have erected Puja Pandals over public road and footpath, which may lead to congestion of free flow of traffic. In response to the said letter dated 01.10.2024, the Deputy Commissioner of Police, Cuttack intimated to the Inspectors-in-Charge of Badambadi & Lalbag Police Stations to advise the concerned Presidents, Secretaries and other members of both the Puja Committees not to erect any structure within the perimeter of the public road and footpath. The letters



are taken on record.

Mr. Jagmohana Meena, DCP, Cuttack, who is present in Court has stated that the Inspectors-in-Charge of Badambadi and Lalbag Police Stations shall advise the concerned Presidents, Secretaries and other members of both the Puja Committees to do the needful in that respect.

Mr. S.P. Mishra, learned Senior Advocate appearing for the Khannagar Puja Committee & Chandini Chowk Puja Committee submitted that by the time the order was passed last week, the construction of Puja Pandals of the aforesaid two Puja Committees had been sufficiently progressed and at this stage, it would not be possible to make any modification/alteration to the Puja Pandals. However, he has assured this Court that the Puja Committee members shall make every arrangement in coordination with the Police for traffic management and ensure that there would be no hindrance for free flow of traffic in their areas in the upcoming Puja and the Presidents and the Secretaries of the aforesaid two Puja Committees shall give an undertaking before the concerned Inspectors-in-Charge not to erect any Puja Pandals over public road and footpath leading to congestion of free flow of traffic from the next year.



In case such undertakings are filed within three days from today, no coercive steps shall be taken against the aforesaid two Puja Committees subject to their volunteers assisting the police in their respective areas during upcoming Puja days for hindrance free movement of traffic.

The D.C.P., Cuttack has also assured this Court that he would ensure that safety measures are being taken by different Puja Committees while erecting electric gates. The Superintending Engineer, Electrical, Cuttack and J.E. in-charge of different power substations and other officials who are connected with it shall take all preventive steps in that regard. They shall inspect the gates and mandaps regularly and see that Puja Committee are taking all kind of precautions and ensure that there is no wastage of electricity energy.

Though an affidavit was filed by the D.C.P., Cuttack on the last date that all the IICs of Cuttack City have been directed to sensitize Puja Committee and general public not to play loud music during festive season, cultural programmes and immersion processions etc., but the learned Bar Members complained that last Sunday i.e. on 29.09.2024 when the immersion procession of Lord Ganesh was carried out, there is total violation of the affidavit



filed by D.C.P., Cuttack and loud music was played and even though police was accompanying the procession, no steps were taken to prevent playing of such loud music. The D.C.P. has assured this Court that such things would not be repeated in the Durga Puja and he would have a talk with the President and Secretary of different Puja Committees not to play loud music and would apprise them about the adverse effect of noise pollution and if deviations are being made, action in accordance with law shall be taken imposing fine, seizing loud speakers, DJ or other sound producing instruments.

List this matter on 24.10.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

182.
03.10.2024

Though we are supposed to take up some other civic issues today, but due to paucity of time, those issues would be taken up in the later sittings.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge