



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

22.10.2024

Order No.

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

187.
22.10.2024

This matter was not in the list today. On being mentioned by the learned President of the High Court Bar Association Mr. Bijay Kumar Dash, Advocate who



is heading the Advocates' Committee and taking into account the urgency involved, it was directed to be listed today by way of a special list.

Mr. Dash submitted that many huge bamboo structures are now standing by the side of the roads in several places inside the Cuttack City even after completion of Durga Puja Festival. One puja gate of 30 feet height erected by Khannagar Puja Committee, Cuttack installed near Cuttack Netaji Bus Terminal (CNBT) collapsed on 18.10.2024 and even though there was no casualty reported but some vehicles parked nearby were damaged.

It is stated that there is warning that Cyclone '**DANA**' is likely to make landfall on 24th of this month as a severe cyclonic storm in Odisha as per the IMD report and a red alert for extremely heavy rain and gusty wind has been issued for some districts including Cuttack and according to Metrological Department, there would be wind speed of 100-120 kms per hour and if the bamboo structures are allowed to remain as such, there is likelihood of casualty and also extensive damage to vehicles, houses and properties of public in general and therefore, necessary orders be issued to the respective Puja Committees to remove the same



immediately.

The Municipal Commissioner, C.M.C., Mr. Anam Charan Patra is present in Court.

Mr. Debasis Nayak-A, learned counsel for the C.M.C. produced a letter dated 22.10.2024 issued by the Municipal Commissioner of C.M.C. to all the President/Secretary/Committee members of Durga Puja Committee under Cuttack Municipal area wherein a request has been made to undertake immediate removal of Puja Mandap Gate/Light Gate/Stage and other temporary structures within 24 hours in view of the upcoming cyclonic storm and that any inaction in that regard would be a liability upon the Puja Committee Members and the Committee. The copy has been forwarded to Deputy Commissioner (Enforcement)/ Deputy Commissioner (License) and they have been instructed to utilize the enforcement team and license section staff for immediate field visit as well as to initiate enforcement for removal of existing structures within 24 hours. The aforesaid letter dated 22.10.2024 is taken on record.

Sri Jagmohan Meena, I.P.S., D.C.P., Cuttack is present through virtual mode.



Learned counsel for the State Mr. Jyoti Prakash Patnaik, learned Govt. Advocate has produced the proceedings of the preparatory meeting held by Sri Jagmohan Meena, D.C.P. on 21.10.2024 wherein several directions have been issued to meet any kind of eventuality for the greater interest of public. The instructions given by Addl. D.G. of Police (L & O), Odisha dated 21.10.2024 to all the SsP/DCPs, Cuttack/ Bhubaneswar for Pre-Cyclone, During Cyclone and Post-Cyclone for anticipated Cyclone is also produced and taken on record.

The D.C.P., Cuttack stated that today he has passed necessary direction to all the Inspector in-charges of Cuttack U.P.D. in connection with removal of light gates and bamboo structures. The letter dated 22.10.2024 of the D.C.P. is produced before us, which is taken on record. It is mentioned therein that the Inspector in-charges shall talk with the Presidents and Secretaries of all Puja Committees under their respective jurisdiction and ensure the removal of all such temporary structures (light gates, bamboo gates etc.) on the roads.

Sri Dattatraya Bhausahab Shinde, I.A.S., Collector, Cuttack is present through virtual mode and stated that some of the Puja Committees have



already started removing the gates, stages and temporary structures in obedience to the letter issued to them by the C.M.C. Commissioner. He also stated that as per the direction of the D.C.P., the Inspector in-charges are taking up actions and ensuring the compliance of the order of the D.C.P. and the Puja Committees are also cooperating and time has been given to remove all the structures by 2.00 p.m. on 23.10.2024 and if they do not stick to the same, the enforcement agency of C.M.C. and the police officials would do the needful in taking necessary action in demolishing the structures and the Puja Committees who would not abide by the order would not be issued NOC next year. He submitted that he would sign the order in consonance with Disaster Management Act today.

The D.C.P. apprised this Court that out of 160 Puja Committees, only 18 Puja Committees are having temporary structures and all other Puja Committees have already removed their respective structures which were erected during Durga Puja Festival.

Seventeen (17) Puja Committees are in the process of removing their structures and only one Puja Committee i.e. Ranihat Puja Committee has not



started the removal process and they are having multiple gates of bamboo and though initially they were reluctant and non-cooperative but after repeated persuasion, they have assured to remove the structures by tonight. He further stated if any of the Puja Committees fails as per commitment, then JCB would be utilized for demolishing the structures. It has also been assured that in case of demolition of the structures, the bamboo would be kept temporarily in such a position on the road, if it would not be possible to remove those from the spot, to ensure that there is no public inconvenience. He further stated that the President/Secretary of Chandinichowk Puja Committee and Khannagar Puja Committee have submitted undertaking in the light of the order passed by this Court before the respective I.I.C. strictly to abide by the instruction given to them by the District Administration relating to erection of Puja Mandap Gate/Light Gate etc. from the next year.

Since there is forecast of heavy rain during the Cyclone and there is likelihood of water logging in different places and possibility of inundation in low-lying areas, the C.M.C. Commissioner Mr. Anam Charan Patra stated that 283 nos. of pumps are



being placed in different areas of Cuttack City and test runs in different locations have been completed and pump operators would be there to operate in case of necessity to drain out the water and fuel for operating the pumps are also available and there would be no problem for operating the pumps in time when the situation warrants. Extra water pumps, extra staff and vehicles have also been kept in readiness to cater to the emergency.

The C.M.C. Commissioner also assured this Court that there would be no disruption in supply of drinking water as there has already been meeting with the WATCO authorities in this regard.

Water tankers would also be kept ready for such purpose to supply drinking water from door to door basis in different wards.

He has also assured that the culvert points of the drains which are full of garbage, debris, floating materials, plastic bottles etc. and obstructing free flow of water would be cleared so that rain water passes through it smoothly without any hindrance.

It is stated by the learned counsel for the C.M.C. Sri Nayak that the end point of the box drain at Matrubhawan may create problem as it would not be able to hold much water in case of heavy rain and



there is likelihood of back flow of rain water.

In view of the above submission, it is directed that if necessary, the C.M.C. authorities shall use extra pumps to drain out the water and if situation so warrants temporary removal of grates in the box drain at that particular place, in the public interest in consultation with the WATCO authorities to minimize the water logging.

The Collector Sri Shinde stated that the OPTCL authorities have also been instructed to see that in case of failure of power supply in any area due to the cyclone, restoration is made at the earliest and trimming of trees are being carried out in different areas so that there would be no hindrance to the restoration of power supply.

The Collector also stated that on 21.10.2024 there have been raids in Chatrabazar and Malgodwon areas from where complaints were received from the people regarding exploitation by the vendors of grocery items, food stuff and vegetables in charging higher prices. And, the rates have now come down. The wholesalers of potatoes who have received the stock today from West Bengal have assured that there would be no artificial scarcity and right now, there are sufficient stock of potatoes and onions and



the supply is stable.

The D.C.P. has also assured that some police personnel in plain clothes would be deputed at those places, to see that no vendor exploits the public in charging higher rates.

The C.M.C. Commissioner has assured this Court that there would be announcement by loudspeakers at important places for the public not to go for panic buying and that sufficient stock of essential commodities are available for distribution.

The Collector stated that the ODRAF Team have been placed at the disposal of the C.M.C. and their services can be utilized whenever and wherever is required.

He has also assured that special care has been taken to ensure that there would be no inconvenience to the patients and their attendants in the hospitals and ambulance service would be provided to the needy people immediately.

The C.M.C. authorities shall do the needful not only in removing the hoardings at different places including from the roof tops utilized for advertisement purposes but also cut and remove the branches of the trees which are in such a condition that it is likely to create problem not only for the



electricity supply but also for the public.

This Court places on record its deep sense of appreciation for the proactive steps taken by the Collector, Cuttack, D.C.P., Cuttack and the Commissioner, Cuttack Municipal Corporation to meet the exigency on account of the Cyclone '**DANA**'. And earnestly hopes that the Cyclone causes the least damage.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge