



**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. Debasis Nayak-A,  
Addl. Govt. Advocate &  
Advocate for CMC*

*Mr. Partha Sarathi Nayak,  
Addl. Govt. Advocate*

*Mr. Bijay Kumar Dash, Advocate  
President of Orissa High Court  
Bar Association*

**CORAM:**

**JUSTICE S.K. SAHOO**

**JUSTICE V. NARASINGH**

**ORDER**

**28.11.2024**

**Order No.**

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

**POST BALIJATRA 2024: PROBLEMS FACED BY  
CITIZENS IN BOTH UPPER BALIJATRA PADIA  
AND LOWER BALIJATRA PADIA**

202.  
28.11.2024

On 07.11.2024, when the matter relating to BALIJATRA 2024, Cuttack was taken up, Sri Dattatraya



Bhausahab Shinde, I.A.S., Collector -cum- District Magistrate, Cuttack filed an affidavit stating, inter alia, therein that the Commissioner, C.M.C., Cuttack has been asked to oversee sanitation and cleanliness and also to combat dust pollution in the Balijatra grounds.

It is brought to the notice of this Court by the learned Members of the Advocates' Committee through news clippings of local Odia daily newspaper wherein it is mentioned as to how the Balijatra ground and nearby roads are littered with garbage after Balijatra. Besides garbage, muddy patches and stale food is causing pungent smell. The bamboo structures have not been removed and some of the street vendors are still carrying on their business in both the fields and also on the road side which is creating an unhealthy environment for the general public.

It is stated that one outsourcing agency, namely, 'Jagruti' was given responsibility of cleaning both upper and lower Balijatra ground for 17 days in this year's Balijatra for an amount of Rs.52,00,000/- (rupees fifty two lakhs) and the agency was instructed to clean the ground from 13<sup>th</sup> to 30<sup>th</sup> of this month and to hand it over to District Administration. However, only there has been



cleaning of a small area and no officers of District Administration are there to monitor the cleanliness of the grounds. The Nodal Officer of this Court had taken the video of both the grounds and it was played in open Court. The visuals are disgusting.

The Collector, Cuttack appearing through virtual mode has stated that from this afternoon, the cleanliness drive would be done in full swing which would be jointly conducted by the employees of the Agency, entrusted with the work along with C.M.C. personnel. He has assured that by 30<sup>th</sup> of this month, the entire garbage would be cleared and bamboo structures and all other structures would be dismantled and removed from both the Balijatra grounds and the street vendors would not be allowed to operate further in those areas and both the fields would be cleared.

He further stated that if the Agency fails to stick to the time line fixed for cleanliness, accountability would be fixed and it would be penalized as per agreement. Only on clearance of all debris etc., the balance payment shall be released to the Agency.

Let the Nodal Officer of this Court fix a suitable date by 3<sup>rd</sup> of December, 2024 so that the Advocates' Committee Members visit both the grounds and



adjacent roads along with the Collector, Cuttack and C.M.C. Commissioner or their authorized representatives to oversee the cleanliness. The Advocates' Committee shall submit a report on the next date.

List this matter on 5<sup>th</sup> December, 2024.

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

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

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

203.  
28.11.2024

As per order no.147 dated 05.09.2024, the Advocates' Committee visited the spot to verify whether wire mesh fencing work has been completed on both sides of Taladanda Canal as stated by the Superintending Engineer, Mahanadi South Division-I vide Letter No.-7689 dated 27.08.2024.

The Advocates' Committee submitted its report on 19.09.2024 wherein it was indicated that there are 8 numbers of bridges which connects both side of the roads of Taladanda Canal from Jobra to Matru Bhawan Chowk, out of which 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 bridges, there are no wire mesh fencing and it is further reported that such work is to be carried out by the R & B Division.

The purpose of putting wire mesh fencing and display of sign boards by the side of Taladanda Canal is for public awareness purpose, requesting the public not to throw garbage into the Taladanda Canal. Learned counsel for the State was asked to file an affidavit regarding completion of rest of the wire mesh fencing on the left out 6 nos. of bridges.

Learned counsel for the C.M.C. stated that such work has been entrusted to the C.M.C., tender issued by C.M.C. has been finalized and the work order is to be issued within 7 days and fencing would be completed by end of January, 2025.

List this matter on 13.02.2025. The learned counsel for the C.M.C. shall file the compliance report.

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

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

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

204.  
28.11.2024

As per order No.118 dated 08.08.2024, learned counsel for the State on 29.08.2024 produced the



letter dated 16.08.2024 of the Superintending Engineer, Cuttack (R & B) Division No.1 which was addressed to the Commissioner, Cuttack Municipal Corporation wherein it was mentioned that the widening and strengthening work of the right embankment road of Taladanda Canal leading from Nuabazar to Biribati is in progress and would 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 counsel for the State made a further statement on 29.08.2024 that the road work is likely to be completed within a month and in the meantime, fund would be allotted to the C.M.C. to take necessary follow up action.

Mr. Debasish Nayak-A, learned Addl. Govt. Advocate and Advocate for C.M.C. submitted that the fund amount of Rs.2.82 crores has already been allotted to C.M.C. and C.M.C. has floated the tender and technical evaluation of the tender is under process and the work order is likely to be issued by 15.12.2024 and the work is to be completed by April, 2025.

List this matter on 15.05.2025. The learned counsel for the C.M.C. shall file the compliance report by the said date.

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

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

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

205.  
28.11.2024

As per order no.166 dated 19.09.2024, Mr. Nayak, learned counsel for the C.M.C. 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.

The C.M.C. authorities were instructed/directed to remove all the encroachments over the drain from Mangalabag Square to Acharya Harihar Post Graduate Institute of Cancer and to file the compliance report.

Mr. Debasish Nayak-A, learned counsel for the C.M.C. submitted that the removal work of all the encroachments over the drain has been completed.

Let the Advocates' Committee visit the spot and submit a report on this aspect.

List this matter on 19.12.2024.

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

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

### **SPREADING OF DENGUE IN CUTTACK CITY**

206.  
28.11.2024

The Health Officer, Sri Satyabrata Mohapatra appearing through virtual mode submitted that various steps have already been taken to prevent spreading of dengue in the City of Cuttack and it is a continuing process. He highlighted that in Cuttack City, in the year 2023, 930 dengue cases were



reported, however, till now only 513 dengue cases have been reported in Cuttack City which shows that the various steps taken by the C.M.C. authorities are showing good results.

Most of the Members of the Bar expressed their displeasure in this regard and submitted that there was no cutting and removing of bushes regularly, the drains are not cleaned properly and adequate measures are not taken to control mosquitoes through fogging. It is stated that after 5 to 5.30 p.m., the people of Cuttack City are forced to close their doors and windows which are facing towards road side or outside to stop mosquitoes from rushing into the house from outside.

Mr. Tarananda Pattanaik, Member, Advocates' Committee for Ward No.38 filed a memo with colour photographs to show that there are obstructions in the Pilgrim Road from Ravenshaw University Gate to Chhatra Bazar Bridge for which, the drain water stood stagnated and it is causing breeding of mosquitoes and unhealthy surrounding. He highlighted showing photographs that a drain which is passing by the side of Ravenshaw University Campus is full of garbage and not properly maintained. It is further stated that there are three big trees whose roots were spread in the ground



level of the drains causing obstacles for clearing of the drains. The memo with the photographs is taken on record.

The copies of the photographs have been handed over to the learned counsel for the C.M.C. The C.M.C. Commissioner who has appeared through virtual mode has assured this Court to do the needful in that respect.

A copy of the letter issued by the Commissioner, C.M.C. to the Chief District Medical and Public Health Officer, Cuttack dated 20.01.2023 was produced before us which shows that a decision has been taken that the Deputy Commissioner, Sanitation shall head the sanitation wing and all the Multi-Purpose Health Workers -cum- Sanitation Inspectors shall directly report to the Deputy Commissioner, Sanitation and be accountable in respect of solid and liquid waste management. The Commissioner, C.M.C. has assured this Court that in view of the problem faced relating to sanitation, there is necessity to have a re-look regarding the decision taken on 20.01.2023.

The Commissioner, C.M.C. to take necessary approval from the Govt. in H & U.D. Department to place the personnel of sanitary wing at the dispensation of the Health Officer for a period of



three months hence in the place of the present arrangement as noted above.

This Court is aware of the fact that Cuttack City has been experiencing dengue outbreak due to a number of factors, including poor sanitation, water logging and wild vegetation. Climate change is also a factor in the spread of dengue. We have already directed in the previous orders to intensify bush cutting, fogging and cleanliness activities and also to collect samples regularly from the affected areas for testing and for providing immediate treatment to anyone affected by dengue.

Mr. Mohapatra, the Health Officer has assured this Court that further effective steps shall be taken up to combat the problem of mosquitoes menace including awareness drive.

List this matter on 19.12.2024.

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

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

**PETANALA, CUTTACK**

207.  
28.11.2024

As per order No.195 dated 30.10.2024, issue relating to clearing of Petanala engaged the attention of this Court, while dealing with the issue of



spreading of Dengue.

The Executive Engineer, Drainage Division, Cuttack, Sri Sourav Kumar Sahoo, who is present in Court today, has submitted information relating to Petanala Renovation, which is taken on record.

On the basis of such written information, it is stated that the Chief Engineer, Drainage Division has suggested the timeline for renovation. The same is quoted below:

**Expected timeline for Peta nala Renovation**

<b>SI. No.</b>	<b>Activities</b>	<b>Execution Period</b>	<b>Remarks</b>
1.	Approval of proposed interaction for completion of renovation work of Petanala by Government in DoWR / H & UD	End of December 2024	
2.	Preparation of DPR for completion of works under DoWR	15 <sup>th</sup> of January (15 days from approval)	
3.	Approval by TAC	31 <sup>st</sup> January, 2025	
4.	Administrative Approval	End of February, 2025	
5.	Tender for	End of June,	



	procurement and award of contract(s)	2025	
6.	Implementation period (18 to 24 months)	December, 2026/ June 2027	

The following remedial measures have also been suggested in the written instruction;

- a) There should be no direct disposal of untreated sewage / sullage or storm water into the Petanala.
- b) All the inlets of CMC in to the Petanala should be capped/ properly covered, new drains may be constructed on both side of Petanala to STP for treatment after which, it can be allowed to enter into the Nala.
- c) The efficacy of the existing underground sewer lines and chambers in carrying sewage may be examined and if required new pipe lines and chambers may be constructed. Existing lines may be abandoned.
- d) Series of Bore wells may be constructed alongside Petanala for recharging the channel with fresh water. This would result in maintaining water quality with flow as necessary.
- e) Fencing on both sides of the Petanala with



wire mesh should be provided so that garbage cannot be thrown into the channel directly.

f) It may also be considered to educate public not to use open drains for solid or liquid waste disposal through adequate IEC activities.”

On being asked, the Executive Engineer, Drainage Division, Cuttack stated that there are 23 inlets, out of which 17 inlets are of CMC and 6 belong to WATCO.

During deliberation, concern was expressed that there are several residential colonies which are directly discharging sewage without any treatment into the Petanala, which is contributing to the unhygienic conditions in and around Petanala.

Taking note of the above, this Court is of the considered view that a joint effort should be made by all the stakeholders in tandem with one another resolving the issue.

Hence, it is directed that there will be a joint meeting of (i) Sri Sourav Kumar Sahoo, Executive Engineer, Drainage Division, Cuttack, (ii) Sri Atanu Kumar Samant, City Engineer, CMC, (iii) Sri Manoranjan Jena, G.M., WATCO, Sewerage Division (iv) Achyuta Ranjan Behera, G.M., WATCO, Drainage Division, (v) Technical member, CDA, (vi) Sri



Prabhas Kumar Majhi, Superintendent Engineer, R & B Division within three days hence and they will make necessary spot visit and suggest remedial measures.

The Commissioner, CMC has also assured that he will himself monitor the progress.

List this matter on 19.12.2024 along with the report of the Committee to be submitted by the Executive Engineer, Drainage Division, Cuttack who shall act as the convener of the above Committee.

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

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

**SARDAR VALLABHBHAI PATEL POST GRADUATE  
INSTITUTE OF PAEDIATRICS (SISHU BHAWAN)**

208.  
28.11.2024

Sardar Vallabhbhai Patel Post Graduate Institute of Paediatrics (Sishu Bhawan), Cuttack, Orissa is one of the premier institute of the State and eastern part of this Country dealing in providing specialized care in Paediatrics. It is alleged that because of encroachment in and around the Sardar Vallabhbhai Patel Post Graduate Institute of Paediatrics (Sishu Bhawan), it is causing untold misery and hardship to all concerned.



Taking note of the same, this Court requests learned President of the Orissa High Court Bar Association and Head of the Advocates' Committee to visit the Paediatric institute, which is next to the High Court and submit a report and also suggest remedial measures.

Date of such visit to be intimated to the Superintendent of Sardar Vallabhbhai Patel Post Graduate Institute of Paediatrics (Sishu Bhawan).

Learned Additional Government Advocate, Mr. Partha Sarathi Nayak is called upon to ensure that no hindrance is created for the visit of the Advocates' Committee. Necessary instruction in this regard be imparted.

The Advocates' Committee is requested to ensure that no inconvenience is cause to the Doctors, patients and attendants during their visit.

The Advocates' Committee shall submit report in this regard by 09.12.2024.

List this matter on 12.12.2024.

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

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



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

209.  
28.11.2024

As per order No.175 dated 26.09.2024, Mr. Atanu Kumar Samanta, City Engineer, Cuttack filed an affidavit wherein it is indicated that the repair works had already started and it would be completed by 31<sup>st</sup> October 2024.

However, today, Mr. Samanta, City Engineer appeared through virtual mode and stated that the repair works have not yet been completed and he would once again visit Ward No.6 tomorrow in presence of some of the learned Members of Advocates' Committee of that Ward and expedite the completion of the remaining works.

Mr. Bijay Kumar Dash, learned President of Orissa High Court Bar Association stated that Mr. Bibhuti Bhusan Choudhury, Mr. Dayanidhi Lenka and Mr. S. Sarangi, Advocates shall cooperate with Mr. Samanta on the date of his visit.

List this matter on 19.12.2024.

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

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



### **WARD NO.27**

210.  
28.11.2024

As per order no.197 dated 30.10.2024, learned counsel for the Advocates' Committee brought to the notice of this Court, a news item published in a local news daily that Ms. Abhipsa Patnaik, Junior Engineer is in-charge of Ward No.27 was not a Junior Engineer and a misleading statement has been given to this Court and her engagement has already ceased with effect from 30.09.2024 and in this connection, the Advocates' Committee has produced the letter dated 30.09.2024 issued by the Faculty and Director (Projects) of the Centre for Environment and Development addressed to the Commissioner, Cuttack Municipal Corporation indicating that the services of said Abhipsa Pattnaik would not be effective beyond 30.09.2024.

The Commissioner, C.M.C. has filed an affidavit which is at 'Flag-194' wherein he has stated Ms. Pattnaik was engaged in C.M.C. as Implementation Expert to look after different works undertaken within Urban Local Bodies of Odisha under MUKTA Scheme and other related Govt. scheme/programme through an outsourcing agency selected by the Govt. on contractual basis. She was engaged to look after the day to day developmental work of Ward No.27 along with other wards and in absence of a regular



Junior Engineer, she was discharging the duties of a Junior Engineer in the said ward as she was holding a degree in Civil Engineering. It is further stated that though a letter was issued from the outsourcing agency to the Commissioner, C.M.C. regarding completion of contract period by 30.09.2024 but the C.M.C. was expecting that the contract with the outsourcing agency by which Ms. Abhipsa Pattnaik was engaged might be extended and therefore, her virtual appearance in the capacity of J.E. was bona fide.

In view of the affidavit filed by the C.M.C. Commissioner, the issue is treated as closed. The C.M.C. authorities should exercise greater probity while making any statement before this Court.

The City Engineer shall visit Ward No.27 within a week to verify whether all the works entrusted to the contractors in that Ward have been carried out properly as per agreement or not and submit a report to that effect.

List this matter on 19.12.2024.

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

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



**PARKS WITH SPECIAL REFERENCE TO THE DIFFERENTLY ABLED**

211.  
28.11.2024

The concern of this Court in ensuring accessibility to parks for persons, who are differently abled, which is crucial for inclusivity and equality was conveyed to the Commissioner, C.M.C. and other officials.

They are called upon to submit a report for providing infrastructure like ramps, accessible rest rooms so that, the parks like any other civic amenity becomes enjoyable for everyone ensuring equality in essence.

The learned members of the Bar also raised the issue relating to the state of parks in the city more particularly in and around Daya Ashram, Birakishore Ray park and Jayprakash Narayan Park. The state of the "village ground" near Jawaharlal Nehru Indoor Stadium which, is part of the heritage of this millennium city and which also doubles up as a training ground for the budding sports talent and is arguably one of the most frequented places of walkers/joggers was also raised.

The issue of adequate lighting in the parks including installation of high mast light(s) was also flagged during the deliberation.

The compliance report regarding the above issues be placed before this Court by way of affidavit by 06.01.2025.



List this matter on 09.01.2025.

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

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