



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. P.K. Parhi, D.S.G.I.

*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

05.12.2024

Order No.

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

**RECKLESS DRIVING OF THE DRIVERS OF 'MO
BUS'**

212.
05.12.2024

As per order no.201 dated 07.11.2024, after going through the action taken report filed by Dr. N.



Thirumala Naik, I.A.S., M.D., Capital Region Urban Transport (CRUT) and hearing Mr. Naik in person so also the learned counsel for CRUT, Mr. Katakia, this Court found that no proper steps have been taken by the CRUT authorities to check the buses and the condition of the drivers when the buses were starting from the bus terminal, the nature of checking that was being carried out for every bus was also not clear. The nature of training that was imparted to the drivers was also shrouded in mystery and accordingly, it was observed that 'Mo Bus' services have become dangerous for the public and the people on the street are terrified seeing a 'Mo Bus' approaching towards them.

Mr. Naik of CRUT submitted on that day that since the speed limit of the buses has been reduced, if any driver of 'Mo Bus' tried to enhance the speed beyond the limit prescribed, it could be detected easily and immediate instruction can be issued to him to control the speed of the bus. He has also assured this Court that all the technology adopted and measures taken by the LAccMI bus operators would be implemented in operating 'Mo Bus' services.

Dr. N. Thirumala Naik, I.A.S., M.D., Capital Region Urban Transport (CRUT) appeared through



virtual mode and filed an affidavit 03.12.2024, which is taken on record.

It is stated that after this Court's order, breath analyzer tests are being conducted from 09.11.2024. And till 01.12.2024, 2538 tests were conducted for the drivers operating in Bhubaneswar-Cuttack region. Six drivers were detected intoxicated and they were immediately terminated by the concerned operator. The captains and guides are being sensitized on daily basis at all depots to avoid traffic congestion and inconvenience to the travelling commuters by ensuring boarding and alighting at designated bus stops entry.

CRUT enforcement team and revenue assurance team are conducting surprise checks to check speed limit, skipping of bus stops and stopping of buses at non-designated stops.

It is further stated that out of 475 buses operated by CRUT, 445 buses owned by bus operators are having comprehensive insurance policies. Besides that, CRUT has a comprehensive insurance policy for all the remaining 30 refurbished midi buses which are owned by CRUT.

Depot Level Accident Review Committee has been constituted to review all the accidents to ascertain the reasons and to prevent recurrence of



such accident. On recommendation of concerned Depot Level Committee, actions have been taken against the responsible drivers/guides.

Mr. Bijay Kumar Dash, Advocate, President of Orissa High Court Bar Association has placed a news item dated 05.12.2024 published in the local Odia daily newspaper under the caption of 'BIJU PATTNAIK CHAKARU GADI BAND; BADHUCHI ASANTOSH' which news item is regarding change of route of 'Mo Bus' of Route No.10 and Route No.16.

Mr. Janmejy Katikia, learned counsel for CRUT submitted in writing that what was the Route No.10 and Route No.16 prior to the changes and what are route details currently operational from 02.12.2024 and it is also indicated that after resentment was observed from the residents of the CDA area against the changes due to suffocation after operation of midi buses, the following proposals have been given for solution:-

"Route-10 Biju Pattnaik International Airport to Biju Pattnaik Park, CDA via Nandankanan, Judicial Academy, CDA – 6 buses (12 meter) with 40 minutes frequency.

Route-16 Bhubaneswar Railway Station to Sri Sri University via Phulnakhara, Link Road, CNBT, CDA- 14 buses (12 meter (8) + 9 meter (6)) with



20 minutes frequency.”

The learned Members of the Advocates’ Committee suggested that so far as Route-10 is concerned, from early morning till 10.00 a.m., it should be 30 minutes frequency to cater to the rush of the passengers.

Mr. Naik, M.D., CRUT assures us that the proposal shall be carried out immediately with 30 minutes frequency as suggested by the learned Members of the Advocates’ Committee for Route-10. He further stated that some new buses are likely to arrive for the service of people in January, 2025 and he would give all the details in that respect in writing.

List this matter on 19.12.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**LACK OF PROPER LIGHTING ARRANGEMENT
FROM NETAJI BUS TERMINAL TO CHILDREN’S
PARK, KHANNAGAR**

213.
05.12.2024

As per order no.201 dated 07.11.2024, it was directed that Mr. Prabhas Biswal, Asst. Engineer, C.M.C. and Mr. Amarjeet Patnaik, Superintending



Engineer, TPCODL would make joint inspection and ensure that street lights are installed as a temporary measure from Netaji Bus Terminal to Children's Park, Khannagar and to report compliance.

Mr. Prabhas Biswal, Asst. Engineer, C.M.C. and Mr. Amarjeet Patnaik, Superintending Engineer, TPCODL appeared through virtual mode.

Mr. Prabhas Biswal, Asst. Engineer, C.M.C. stated that he had been to the spot with Mr. Amarjeet Patnaik, Superintending Engineer, TPCODL and made spot verification. A compliance report has been filed by the learned counsel for the C.M.C. wherein it is indicated that there is no scope for street light arrangement in front of CNBT area or nearby it, after taking up road widening work by R & B. Cuttack Municipal Corporation requested CNBT authority to provide power supply temporarily for installation of lights in front of CNBT area and nearby areas, so as to arrange temporary lighting in the said area for the time being, till the completion of 06 (Six) lane road work by R & B Division No.2 and electrification by the side of the new road as well. As a temporary measure street light has been provided in front of CNBT area and nearby area taking power supply from CNBT authority till completion of 06 (Six) lane road widening work. The compliance



report is taken on record.

It is brought to our notice by the learned Members of the Advocates' Committee that the Vaishnab Pani Park, Khannagar is situated in front of CNBT and there is no lighting arrangement in the park, even though the park opening time is mentioned in the board as 5.00 a.m. to 9.00 a.m. and 4.00 p.m. to 8.00 p.m. It is submitted at the Bar that either the C.M.C. should make light arrangement in the park or close it in the evening hours till the lighting arrangement is made as there is likelihood of mishap and accident and untoward situation.

Mr. Prabhas Biswal, Asst. Engineer, C.M.C. appearing through virtual mode stated that tender has already been floated for installation of solar light in Vaishnab Pani Park, Khannagar and the tender is likely to be opened very soon and the work would be completed by 15th December, 2024.

The C.M.C. authorities agreed that till proper lighting arrangement is made in Vaishnab Pani Park, on the approach of evening hours, the park would be closed and a temporary display board shall be placed at the entry point on this aspect for public information. On the next date, the learned counsel for the C.M.C. shall apprise this Court about the



status of the tender floated and the progress of work.

List this matter on 09.01.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

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

214.
05.12.2024

As per order no.202 dated 28.11.2024, Sri Dattatraya Bhausahab Shinde, I.A.S., Collector -cum- District Magistrate, Cuttack has filed the compliance report that total amount of Rs.39,66,233/- (rupees thirteen lakh sixty six thousand two hundred thirty-three) was approved in connection with cleaning and sanitation of both Upper Balijatra Ground and Lower Balijatra Ground and the work order was issued on 13.11.2024 in favour of M/s. Jagruti Welfare Organization, Pandav Nagar, Bhubaneswar. It is further stated that pursuant to order of this Court dated 28.11.2024, show cause notice was issued on 30.11.2024 to the executing agency i.e. M/s. Jagruti for failure to complete cleaning and sanitation in



time. The Tahasildar, Sadar, Cuttack also issued show cause notice dated 30.11.2024 to the owner of Jhula/Doli for causing delay in dismantling the structures erected in Balijatra Lower Ground and instructions were issued to the owner for dismantling their structures within 24 hours. Since the owner failed to dismantle the structure within stipulated period, the Tahasildar, Sadar, Cuttack imposed penalty of Rs.5,000/- (rupees five thousand) towards ground rent and Rs.25,000/- (rupees twenty five thousand) towards fine.

It is further stated in the compliance report filed by the Collector, Cuttack that special drive was undertaken from 28.11.2024 to 30.11.2024 for cleanliness of both the grounds and its surrounding and 90% cleanliness and sanitation work of both the grounds was completed by 30.11.2024 and cleanliness and sanitation work was completed by M/s. Jagruti by 03.12.2024. Photographs of both the grounds have been annexed with the compliance report.

As per the order dated 28.11.2024, the Advocates' Committee Members visited both the grounds and adjacent road on 02.12.2024 to oversee the cleanliness and they have also submitted a report, which is taken on record. In the said report, it



has been stated that during the visit, the C.M.C. Commissioner, the Project Director, District Rural Development Agency, Cuttack, the Addl. District Magistrate, Cuttack-cum- Nodal Officer of the District Administration, the Asst. Commissioner of Police, Sub-Division-II, Cuttack and the I.I.C., Cantonment police station and other officials were present. It has been further stated that the **Lower Balijatra Padia** was found to be largely clean at the time of visit of the Advocates' Committee although the work of removal of structures and debris/garbage did not appear to be fully complete. Sweepers were seen engaged in cleaning activity at the time of the visit. Some bamboo as well as steel structures were seen in the Lower Balijatra Padia, which were in the process of being dismantled. Bamboo and steel framework were also seen stacked on the Lower Balijatra Padia awaiting removal. It has been further mentioned that the officials of the District Administration and the C.M.C. assured the Advocates' Committee that the structures and the debris seen during the time of the visit shall be removed in two days. It has been further stated that the **Upper Balijatra Padia** was seen to be largely free from structures, debris and garbage. However, some bamboo was seen stacked at a place. On



enquiry, it was reported that the same was brought there for some Govt. function. Some photographs of both Upper and Lower Balijatra Padia have been annexed to the report.

Sri Dattatraya Bhausahab Shinde, I.A.S., Collector -cum- District Magistrate, Cuttack states that prospect of holding function in the Lower Balijatra Paida from the next year is being explored.

During the course of hearing, the cleanliness issue of the ground in front of Barabati Stadium Horse Gate was highlighted which is a part of the Upper Balijatra Padia. Mr. Anam Charan Patra, Commissioner, C.M.C. assures this Court that the said ground would be cleaned immediately and unauthorized stalls shall be removed.

Compliance in this regard by way of action taken report shall be placed before this Court in its next sitting (09.01.2025).

We appreciate the prompt steps taken by the Collector, Cuttack so also C.M.C. Commissioner in restoring the cleanliness and completing the sanitation work of both the Balijatra Grounds. We also put on record our appreciation for the Advocates' Committee in proactively assisting this Court in addressing the issues concerning the citizens of the millennium City.



Placed this matter on 09.01.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

ISSUE RELATING TO STRAY DOGS AND CATTLE

215.
05.12.2024

As per order no.145 dated 05.09.2024, after going through the report filed by the learned counsel for the C.M.C., we were of the view that a proper action plan is required to be drawn up increasing the resources and logistics to address the issues relating to stray dogs and cattle creating menace on the public road.

Recently, in the local Odia daily newspaper under the caption of 'RASTARE GORUNKA RAJUTI: SANDHA LADHEI PAIN BADHUCHI DURGHATANA', it has been published that there use to be stray cattle menace on the streets of Cuttack. Starting from the lane to the main road, their menace is increasing day by day as if the stray cattle have occupied the streets of the City. Due to the stray cattle, there use to be blockage of the main road and especially during the night, it is becoming difficult to commute.



Everyday, the commuters are facing difficulties on account of the same. If they try to change the route, there is fear of stray dog and one has to face the attack of the bull if one tries to use the road. In such a situation, it has become a major problem for the pedestrians and worse suffers are those who are using the road at night. Many people in the city are rearing cows at home for milk and leaving them on to the roads once the cows have stopped giving milk. As they move around, the road becomes their abode. So, there is a fight between each other as many stray cattle and bulls gather at one place. It would not be an exaggeration to this that Nayabazar Potapokhari area has been occupied by stray cattle. Recently, bulls fights caused extensive damage to the vehicles parked in the roadside. Besides, vehicular movement on the road was stopped for a long time. The Cuttack Municipal Corporation is blissfully ignoring to take steps to capture the stray cattle and address the issue. The Corporation has been catching stray cattle and sending them to the kine house but that is far from satisfactory. The pedestrians have been victims of accidents as no perceptible action is being taken against the owners of the stray cattle.



Mr. Nayak, learned counsel for the C.M.C. submitted that the matter may be taken up next week so that he will file a detailed report over this issue by the next date. He submitted a report today that Mr. Trinath Behera, Asst. Commissioner was in-charge of cattle seizing section. Two tractors and two bolero are being used for this operation and total numbers of 30 cattle seizer and one dealing assistant is in-charge of the operation. A logbook is maintained for the purpose and the cattle are kept in Satichoura Kine House. The report is taken on record.

Let the copy of the logbook be produced on the next date for verification. Learned counsel for the C.M.C. shall apprise this Court as to whether there is any provision for giving compensation by the C.M.C. to the persons who are affected due to stray dogs and cattle and to the owners of the vehicles which are damaged by the stray cattle.

Mr. Satyabrata Mohapatra, Health Officer, C.M.C., Cuttack submitted on the last date that an application was filed on 19.03.2024 before the Chairman, Animal Welfare Board of India under the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India for NOC for sterilization as required under the Animal Birth



Control Rules, 2023.

While dealing with this issue vide order dated 05.09.2024, this Court directed Mr. Prasanna Kumar Parhi, learned Deputy Solicitor General of India to obtain instruction from the concerned authority as to why there is delay in giving response to the application submitted by the Health Officer, C.M.C.

Mr. Parhi submitted that the matter may be taken up a week after in order to obtain instruction as per the order dated 05.09.2024.

List this matter on 19.12.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

ILLEGAL HOARDING IN KATHAJODI RIVER BED

216.
05.12.2024

The Advocates' Committee placed a news item published in the local daily under the caption of 'KATHAJODI SAJYARE BINA ANUMATIRE HOARDING NIRMANA: BEAIEN KARJYAKU AIEN SAMMATA KARIBAKU CHAKRANTA' wherein erection of illegal hoarding on the Kathajodi River bed was reported.

C.M.C. Commissioner, Mr. Patra appears through virtual mode and submits that when such matter



came to the notice of the C.M.C., the concerned persons who were putting the hoardings were given instructions on 27.11.2024 to remove the hoardings by 30.11.2024 and in that connection, a report was also submitted before the I.I.C., Badambadi Police Station vide Memo No.17618 dated 27.11.2024. He further submits that further work has been stopped, but the structures have not yet been removed. He assures this Court that the Enforcement Team would visit the place and dismantle and remove the hoardings within seven days.

List this matter on 19.12.2024.

A compliance report shall be filed by the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

SATYABRATA STADIUM

217.
05.12.2024

Attention of this Court is drawn on the basis of a news item published in vernacular daily under the caption of 'KHOLA BAR PALATICHI SATYABRATA STADIUM' wherein it is reported that Satyabrata Stadium has become an open drinking den and a haven for anti-social elements. The news report is taken on record.



Such report in the newspaper was fortified by the submission of the learned President of the High Court Bar Association as well as other members of the Bar across the board.

This Court sought presence of the learned D.S.G.I., Mr. P.K. Parhi.

On considering the submissions at the Bar regarding the state of Satyabrata Stadium which is a ASI protected area, this Court directs a joint meeting to be held on 09.12.2024 of all the stake holders including the representatives of the ASI, Mr. Dibishada Brajasundar Garnayak, Superintending Archeologist, Archeological Survey of India, Puri Circle as suggested by the learned D.S.G.I.

The said meeting shall be chaired by the Collector, Cuttack and DCP, Cuttack, CMC Commissioner and representatives of Sports Authority of India shall also take part, to suggest remedial measures to restore the glory of Satyabrata Stadium which is also popularly known as "Village Ground".

To address the immediate issue of Satyabrata Stadium becoming a hub of anti-social activity, the DCP, Cuttack, who appears through virtual mode, is directed to ensure forthwith that no unlawful activities take place within the vicinity of Satyabrata



Stadium and regular patrolling shall also be conducted to ensure the same. The parking of vehicles outside the Satyabrata Stadium shall also be regulated so as to ensure that there is no congestion on the road.

The Commissioner, CMC shall take immediate steps to ensure that there is proper lighting in the ground. The timing of opening of the gates of Satyabrata Stadium shall also be regulated and duly notified.

The Commissioner, CMC shall also pass necessary instruction to ensure pruning of trees, clearing of garbage on emergent basis.

The action taken report in this regard shall be placed before this Court on the next date.

Copy of this order be provided to Mr. Parhi, learned D.S.G.I. to enable him to impart necessary instruction.

List this matter on 12.12.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



NODAL OFFICER FOR CUTTACK MUNICIPAL CORPORATION

218.
05.12.2024

As suggested, Mr. Kalpataru Behera, Addl. Commissioner, C.M.C., shall act as the Nodal Officer to deal with various issues which are raised. However, Commissioner, C.M.C. shall appear as and when required.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge