



**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*

*Mr. Bijay Kumar Dash  
Amicus Curiae*

**-versus-**

**State of Odisha & others .... Opp. Parties**

*Mr. Manoj Kumar Mishra  
Senior Advocate  
President, OHCBA*

*Mr. Avijit Pattnaik  
Advocate  
Secretary, OHCBA*

*Mr. Debasis Nayak-A  
Addl. Govt. Advocate &  
Advocate for C.M.C.*

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

**CORAM:**

**JUSTICE S.K. SAHOO**

**JUSTICE V. NARASINGH**



**ORDER**  
**19.06.2025**

**Order No.**

245.  
19.06.2025

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

As per order no.239 dated 16.05.2025, the learned President and the Secretary of the Orissa High Court Bar Association assured this Court to provide a fresh list of Advocates of different wards of Cuttack Municipality who are interested to be a part of Advocates' Committee, to highlight the civic issues in their respective wards for effective and expeditious adjudication.

Mr. Manoj Kumar Mishra, Senior Advocate, President of the Orissa High Court Bar Association and Mr. Avijit Pattnaik, Secretary of the Orissa High Court Bar Association submitted that the preparation of the list is under progress and the same shall be submitted by the next date.

List this matter on 03.07.2025.

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

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



**S.C.B. MEDICAL COLLEGE AND HOSPITAL**  
**PROBLEMS**

246.  
19.06.2025

**(i) Procurement of 3T MRI machine**  
**for Neuro Surgery Department:**

In pursuance of the order dated 16.05.2025, Prof. (Dr.) Goutam Kumar Satpathy, Superintendent, SCBMCH, Cuttack has appeared through virtual mode and filed an affidavit wherein it is stated that most of the hardware have been supplied to the SCBMCH, Cuttack and the installation work will be accomplished by the end of June 2025 as intimated by the HoD concerned.

Dr. Poma Tudu, I.A.S., Managing Director, OSMCL has also filed an affidavit in this connection stating therein that purchase order for the 3T MRI machine was issued on 29.01.2025. The 1<sup>st</sup> part shipment of the said 3T MRI Machine has already been reached at SCBMCH, Cuttack and the 2<sup>nd</sup> part shipment is in transit from Mumbai Airport (Shipment No.AE-82519880) which shall be delivered at SCBMCH, Cuttack on 21.06.2025. For installation of 3T MRI Machine, required site modification work is under progress at SCBMCH, Cuttack.

List this matter on 10.07.2025.



The Superintendent, SCBMCH, Cuttack shall file an affidavit by the next date regarding the status of operation of 3T MRI machine.

**(ii) Procurement of 128 Slice CT Scan machine for Radiodiagnosis Department, SCBMCH, Cuttack:**

In pursuance of the order dated 16.05.2025, an affidavit has been filed by Prof (Dr.) Goutam Kumar Satpathy, Superintendent, SCBMCH, Cuttack wherein it is stated that the complete set up of the machine has been supplied to the Institution on 9<sup>th</sup> June 2025 and installation work shall be completed by the end of July, 2025.

Dr. Poma Tudu, I.A.S., Managing Director, OSMCL has also filed an affidavit in that connection stating therein that purchase order of two nos. of 128 Slice CT Machine was issued on 29.01.2025. Out of 2 nos. of 128 Slice CT Machine, one machine has already been delivered at SCBMCH, Cuttack and the installation of said machine is going on at SCBMCH, Cuttack and shall be completed within 30.06.2025. The rest one 128 Slice CT Machine is ready for delivery at SCBMCH, Cuttack, however, site has not been handed over for the same.

List this matter on 14.08.2025.



The Superintendent, SCBMCH, Cuttack shall file an affidavit by the next date regarding the status of operation of 128 Slice CT Scan machines.

**(iii) Procurement of Visual Perimeter for Ophthalmology Department of SCBMCH, Cuttack:**

In pursuance of the order dated 16.05.2025, an affidavit has been filed by Prof (Dr.) Goutam Kumar Satpathy, Superintendent, SCBMCH, Cuttack wherein it is stated that Visual Perimeter machine has already been installed and is functional since April 2025 for patient care.

Dr. Poma Tudu, I.A.S., Managing Director, OSMCL has also filed an affidavit in that connection stating therein that the Visual Perimeter for Ophthalmology Department of SCBMCH, Cuttack has already been installed and used by the Department.

**(iv) Procurement of Echo Machines for patient care, Cardiology Department of SCBMCH, Cuttack:**

In pursuance of the order dated 16.05.2025, Dr. Poma Tudu, I.A.S., Managing Director, OSMCL has filed an affidavit wherein it is stated that 2 nos. of Echo machines for Department of Cardiology, SCBMCH, Cuttack have already been installed and being used by the patients.



The Advocates' Committee shall visit to S.C.B.M.C.H., Cuttack on prior intimation and submit a report regarding functioning of Visual Perimeter and Echo Machines. It is expected that the Advocates' Committee shall abide by the modality of inspection which has already been stated in the previous orders.

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

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

**NEWS ITEMS PUBLISHED IN DAILY  
NEWSPAPERS RELATING TO CIVIC ISSUES OF  
CUTTACK CITY:ACTION TAKEN THEREON**

247.  
19.06.2025

As per order no.244 dated 16.05.2025, some news items published in daily newspapers were brought to the notice of the Commissioner, Cuttack Municipal Corporation so also to the Collector & District Magistrate, Cuttack by the High Court Bar Association for necessary action.

(i) One news item was published in the daily Odia newspaper under the heading of **SAHARARE SAATASAHASURAKHITA KOTHA.**

Mr. Shiv Toppo, ADM (General), Cuttack and Nodal Officer has appeared through virtual mode and



submitted his report dated 18.06.2025 wherein it is stated that a Committee has been formed comprising of Superintending Engineer, R & B Division-I, Cuttack, City Engineer, CMC, representative of CDA and Sub-Collector, Sadar, Cuttack to identify the unsafe building structures situated in Cuttack City. The Committee has already started its work and Superintending Engineer, R & B Division-I, Cuttack and Superintending Engineer, R & B Division-II, Cuttack furnished a list of twelve numbers of unsafe buildings to the Sub-Collector, Sadar, Cuttack for taking action under the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023 and that it would take some time for the Committee to identify the other dilapidated structures in the City.

List this matter on 14.08.2025. The ADM, Cuttack and Nodal Officer shall furnish a fresh report regarding the identification of dilapidated structures in the City and action taken by the Sub-Collector, Sadar, Cuttack on the unsafe buildings.

(ii) Another news item was published in the daily Odia newspaper under the heading of **BARSHA HELE BUDIBA S.C.B., SISHUBHABAN.**

The ADM, Cuttack and Nodal Officer in his report dated 18.06.2025 has annexed the compliance report received from General Manager, WATCO Division, Cuttack wherein it is stated that the drain desilting work inside SCBMCH campus and AHPGIC is



nearing completion and 80% work has been completed and the rest will be completed by 30.06.2025. It is further stated that Cuttack Municipal Corporation has installed 04 nos. of dewatering pump motors to address water logging inside the campus.

A meeting was held on 04.06.2025 in the official chamber of ADM, Cuttack in connection with the compliance of order of this Bench dated 16.05.2025 and the proceeding of the meeting has also been annexed with the report dated 18.06.2025 submitted by ADM, Cuttack and Nodal Officer wherein it is stated that the Administrative Officer, SVPPGIP (Sishubhaban), Cuttack expressed that funds of Rs.8,08,76,900/- has already been approved by the Health & Family Welfare Department, Odisha vide letter No.01402 dated 15.01.2025 for construction of drainage facility inside Sishubhaban and placed to SE, Cuttack (R & B), Division-I. The said work is to be executed by CMC, Cuttack and the SE, Cuttack (R & B), Division-I vide letter No.3079 dated 21.02.2025 has already requested CMC to provide accounts details to transfer the funds for execution of the said work. It is further stated that the ADM, Cuttack -cum- Nodal Officer impressed upon the Addl. Commissioner and requested him to provide the accounts details immediately within three days for transfer of funds allotted for execution of drainage work on war footing



basis before the ensuing monsoon without causing any further delay. It is further stated that the SE, Cuttack (R & B) Division-I, General Manager, WATCO Drainage Division, Cuttack and City Engineer, CMC, Cuttack instructed to take immediate steps for maintenance and repairing of drainage facility of SCBMCH, Cuttack in order to avoid water logging issues during the ensuing monsoon.

The Commissioner, C.M.C., has submitted the report dated 17.06.2025 wherein it is stated that the internal drainage system of SCBMCH is being maintained and desilted by WATCO, Water Supply. However, CMC has supplied and installed 4 nos. of pumps with full time operators at SCBMCH campus and near Cancer Institute for dewatering of storm water during heavy rain. One pump set near casualty, one pump set near Cancer Institute and two pumps near post mortem ward have been installed by the CMC and are also being maintained by the CMC. It is further stated that regarding dewatering from the campus of Sishu Bhawan that in the previous years, the desilting and cleaning of internal drains of Sishu Bhawan campus was undertaken by the Management of Sishu Bhawan/PWD Division/PHD Division. But in this year, Cuttack Municipal Corporation is undertaking removal of encroachments adjacent/outside area of the Sishu Bhawan premises and desilting and cleaning work of all



the internal drains within the Sishu Bhawan campus. Accordingly, a high power VOLVO pump bearing capacity of 24 HP has been installed for dewatering of storm water from the Sishu Bhawan campus during the rain. It is further stated that a 10 HP pump will be provided to the said site, if the same will be required at the time of heavy rain. There is no discharge point available near Sishu Bhawan area for the existing drain. The entire internal drainage system will be newly constructed as per the tender invited by Cuttack Municipal Corporation for the purpose.

The learned counsel for the C.M.C. has stated that so far as the construction of drainage network at Sishu Bhawan is concerned, tender notice was issued on 16.06.2025 and the last date for submission of bid is 18.07.2025 and the work order will be issued after complying with codal provision on 01.09.2025 and the drainage network shall be completed by 31.08.2026.

(iii) Another news item was published in the daily Odia newspaper under the heading of **WEBSITE RE MILUNI WARD RA TATHYA.**

The Commissioner, C.M.C., has submitted the report dated 17.06.2025 wherein it is stated all the information in respect of ongoing works, i.e. construction and repair of roads, construction and restoration of drains, desilting of drains and various



sanitation activities etc. are being updated in the CMC website from time to time.

Mr. Debasis Nayak, learned counsel for the C.M.C. submitted that so far as ward nos.1 to 20 are concerned, all the informations as per the previous orders of this Court have been uploaded and so far as ward nos.21 to 59 are concerned, though informations are there in the website, but the same is not in the form prescribed by this Court and it will be completed at an earliest.

List this matter on 14.08.2025.

Learned counsel for the C.M.C. shall furnish the up to date status regarding uploading of the information in the C.M.C. website in respect of all the wards by the next date. The Advocates' Committee shall verify the website and also apprise this Court regarding the functioning of the website.

(iv) Another news item was published in the daily Odia newspaper under the heading of **LAGHUCHAP BARSHARE BUDIBA CUTTACK-SARILANI PANKODHAR; LAGILANI PUMPSET**

The Commissioner, C.M.C., has submitted the report dated 17.06.2025 wherein it is stated 228 nos. of pump sets having different capacities, out of 310 nos. of pump sets have already been installed in the vulnerable areas. The balance 82 nos. of pump sets are kept reserved in the CMC office for emergency



use as and when required for disposal of heavy rain water. A copy of the list of pump sets installed at different vulnerable points has been annexed to the report. It is further stated that the desilting work of the drains are being carried out by 3 nos. of sanitation agencies on regular basis throughout the year. Some of the drains which could not be desilted by the sanitation agencies within the targeted period, the Engineering Section has been assigned to carry out the desilting work of those drains. In the meantime, the Engineering Section has started the desilting work of the said drains, which is targeted to be completed by the end of June, 2025. It is further stated that the CMC is taking all possible steps and in full preparedness for discharge of storm water in case of heavy rain due to low pressure.

List this matter on 17.07.2025.

Learned counsel for the C.M.C. shall recast the detail list of pump operators indicating the name of the officers under whom, the pump operators are to function. Such list be provided by the next date serving a copy on the learned counsel for the respective parties.

(v) Another news item was published in the daily Odia newspaper under the heading of **MUKULA DRAIN SAHA KUDHA KUDHA ALIA**



The Commissioner, C.M.C., has submitted the report dated 17.06.2025 wherein it is stated that the removal of garbage is being undertaken on daily basis and CMC has taken all possible steps for covering of open drains so as to prevent any untoward situation. During desilting of drains, cover slabs/fencing are being removed and soon after completion of desilting work, the drains are being covered.

Mr. Anam Charan Patra, Commissioner, C.M.C. and Mr. Atanu Kumar Samant, City Engineer, C.M.C. are present.

The Advocates' Committee drew the attention of the Court that though the C.M.C. is responsible for drain cleaning and desilting within the city to prevent waterlogging and flooding, especially during monsoon season and they are required to utilize both manual labour and machinery to clear the drains of slit, garbage and other obstruction but it is not being done in all the wards in a regular manner and most of the time after the slit and garbage are removed from the drains, it is not taken away for days together which leads to public inconvenience and unhygienic conditions.

The Commissioner C.M.C. and the City Engineer have assured that immediate steps shall be taken to impress upon the concerned agencies to remove the slit and garbage which are extracted from



the drains within twenty four hours.

(vi) Another news item was published in the daily Odia newspaper under the heading of **GADA KARI BHULI GALE - BARSHA RE NALARE MISUCHI**

The Commissioner, C.M.C., has submitted the report dated 17.06.2025 wherein it is stated that the excavated silt from the MSWC-I were stacked on the side of the main drain adjacent to the road side for about 24 to 48 hours i.e. till the same is dried completely for smooth transportation and accordingly the same will be lifted smoothly and in the meantime, the said excavated silt is being lifted and by 20.06.2025, all the excavated silt will be lifted completely.

(vii) Another news item was published in the daily Odia newspaper under the heading of **NUABAZAR RA TALADANDA CANAL RASTA BIPARJYASTA**

The Commissioner, C.M.C., has submitted the report dated 17.06.2025 wherein it is stated that the said road belongs to R & B Division, Cuttack. So, the repair and restoration of the said road will be taken up by the R & B Division.

The learned counsel for the State shall immediately take steps in intimating the concerned R & B Division, Cuttack to do the needful and repair and restore the said road by the next date.



List this matter on 17.07.2025.

The Superintending Engineer, R & B Division, Cuttack shall file an affidavit regarding compliance of the order.

(viii) Another news item was published in the daily Odia newspaper under the heading of ***BIPADA SANKULA ABASTHA RE BADANALA RU PANKODHARA***

In this news item, it is highlighted as to how labourers even minor boys are engaged in the daunting task of clearance of big drains entering inside it without providing them proper safety gear and without adequate safety measures and no responsible officer of the C.M.C. is monitoring the same and thereby endangering the lives of such manual labourers. One such incident came to light when a man, balancing himself on a motor tube, was seen swimming bare body in the main storm water channel (MSWC-I) stretching from Matru Bhawan to Nua Bazar, cleaning the weeds with the help of a bamboo stick and some minor boys were allegedly engaged at the site to remove the weeds from the banks of drains in patent violation of Child Labour (Prohibition and Regulation) Act.

Needless to say, ensuring the health and safety of labourers is crucial for productive outcome. This involves implementing measures to prevent work-



related injuries, diseases and hazards. When the labourers are used to clean the big drains manually, it very often leads to hazardous conditions and can lead to injuries or fatalities due to toxic fumes and coming in contact with sharp objects like broken glasses, metals and spikes besides poisonous snake in the water bodies.

This Court expects that the inhuman methodology resorted to would be stopped immediately and efforts shall be made to undertake the drain cleaning activities by deploying technologically advanced drain cleaning machines.

Be that as it may, it shall be ensured that there is no violation of the provisions of Child Labour (Prohibition and Regulation) Act.

Plan of action to streamline the cleaning process of the drains which is crucial to address the issue of water logging, by adopting the latest technology by way of deployment of suitable machines and training of manpower shall be placed before this Court by the C.M.C.

This aspect shall be considered in the next sitting i.e. on 31.07.2025.

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

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



248.  
19.06.2025

**Steps Taken For Containing Outbreak of "Cholera"**

During the course of hearing, attention of this Court was drawn to the news item published in two vernacular odia dailies.

In the backdrop of number of cases relating to outbreak of Cholera being reported in different parts of the State including Cuttack City, the Commissioner, CMC, Mr. Anam Charan Patra as well as ADM, Mr. Shibo Toppo who were present on virtual mode, on being asked about the measures taken, assured this Court that steps have already been initiated to effectively counter the outbreak of Cholera on account of water contamination.

Learned counsel for the WATCO, Mr. Bhuyan who is present in Court and Mr. Baishnv Bhusan Behera, GM(WATCO), Water Supply who joined virtually stated that measures have already been taken by the WATCO in this regard.

During the course of hearing, learned Members of the Bar citing the news item "WARD RE SWASTHYA KARMINKA DEKHA NAHIN" questioned the veracity of the claim of the CMC authorities as well as District Administration with regard to steps taken to arrest the spread of Cholera.

Taking note of such concern expressed across the Board, the CMC Commissioner as well as



District Administration who was represented by ADM are directed to work in tandem to ensure that the health workers who are at the disposal of the CDMO as well as the health personnel of the CMC visit each Ward of Cuttack city within the next week and submit a report in this regard to this Court. While visiting the Wards, they are called upon to contact the concerned lawyer representatives the said area as per the existing list.

The District Administration is at liberty to take such steps as necessary particularly relating to the street vendors so as to maintain hygiene and ensure that there is no surge in cases of Cholera.

The citizens at large be sensitized to refrain from taking stale food.

Since the cleaning of drains is intrinsically connected with supply of safe drinking water which is essential for containing the spread of Cholera, necessary steps in this regard shall be taken within the next three days particularly in the areas relating to **Budhithakurani Lane, Chandi Chhak and Raja Bagicha Gada** as stated in the caption "NARDAMA JALA, PANI PIPE EKKAKAR" as mentioned in the news item published in the odia daily "Prameya" and also Ward Nos. **13, 18 & 19** as stated in "NALAPANI RE BUDI RAHUCHI 'AIR VALVE'" published in the odia daily "The Samaj" and the same shall form a part of the



affidavit to be filed.

Steps taken by the District Administration, CMC as well as WATCO in this regard by way of affidavit shall be filed on or before 01.07.2025 which shall be taken up for consideration on 03.07.2025.

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

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

**BSWC Drain of Cuttack**

249.  
19.06.2025

Mr. Avijit Patnaik, learned Secretary of the Orissa High Court Bar Association submitted a letter of the Cuttack Municipal Corporation dated 04.06.2025 relating to BSWC drains of Cuttack City issued in compliance to the news publication dated 29.05.2025 in vernacular daily "Prameya". The same is taken on record and shall form a part of the order passed on this day.

In the said communication, it is stated that DPR has been prepared for construction of Five Major Storm Water Drains and submitted to the Housing & Urban Development Department, Government of Odisha vide this office letter no.12733 dated 21.08.2024 for administrative approval. The total estimated cost of the project is Rs.335 Crore and the



proposal covers five major sub-drains. The details of the five major sub-drains mentioned in the said letter are extracted hereunder:-

SI. No	Name of the Drain
1	Sub Drain 3R of MD-I Length 1305 Mtrs (Starting from near Prajatantra Office, Mehendipada, Kazi Bazar, Masjid Colony, Khatbin Sahi)
2	Sub Drain 3L of MD-I Length 716 Mtrs (Starting from Krishna Mangala Temple, Friends Colony Road, Shanti Memorial Hospital near Bajrakabati)
3	Sub Drain 4R of MD-I Length 2800 Mtrs (Starting from CP Office, Indian Oil Petrol Pump, Ganesh Ghat, Sunshine Field, INOX, Jhola Sahi Chowk, Seminary Chowk, Raushapatna)
4	Sub Drain 5R of MD-I Length 2422 Mtrs (Trisha Hospital, Queen Mary High School, Raja Bagicha Colony, Badambadi, Dolamundai Chowk, Bajrakabati Road)
5	Sub Drain 6R of MD-I Length 1300 Mtrs (Khannagar Link Channel (Starting from Matrubhawan to Khannagar)

As noted above, since DPR submitted, to the Housing & Urban Development Department,



Government of Odisha is pending for administrative approval since 21.08.2024, learned counsel for the State Mr. Nayak, AGA is called upon to file an affidavit regarding the status of the same since the expeditious steps in this regard need to be taken to address the problem of water logging in Cuttack city.

Affidavit in this regard be filed on or before 07.07.2025 and this matter shall be taken up on 10.07.2025.

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

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

**Water Logging in front of the Fish Market**  
**Sector-6 CDA**

250.  
19.06.2025

The members of the Advocates' Committee representing Sector-6 CDA brought to the notice of the Court that there is water logging in front of the fish market for the last almost three weeks causing disruption of traffic and untold hardship to the commuters.

The CMC Commissioner, Mr. Anam Charan Patra and the City Engineer, Mr. Atanu Kumar Samant assured this Court to address this issue.

The City Engineer, Mr. Atanu Kumar Samant who was present virtually has undertaken to visit the



spot tomorrow (20.06.2025) along with the representatives of the Advocates' Committee (Mr. S.P. Sarangi, Advocate) as well as the representatives of Sector-6 Resident Committee, Mr. B.B. Choudhury, Advocate and take necessary immediate remedial measures. And, the steps so taken shall be placed on record by the next date i.e. 03.07.2025.

List this matter on 03.07.2025.

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

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