



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
18.07.2025

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

LIVER TRANSPLANTATION ISSUE IN S.C.B. MEDICAL COLLEGE AND HOSPITAL

Order No.
266.
18.07.2025

A news item has been published in Odia daily "The Samaj" on 10.07.2025 that liver transplantation cannot be held further in SCBMCH, Cuttack. The said news item is taken on record.

Learned counsel for the State has produced the written instruction dated 18.07.2025 of the Medical Superintendent, SCBMCH, Cuttack. The same is taken on record.

On the basis of such instruction, Mr. Debasis Nayak, learned counsel for the C.M.C. as well as Prof. Dr. Goutam Satapathy, the Superintendent, I/c, SCBMCH, who is present online stated that no patient in need of liver transplantation, who had a matching donor fulfilling the legal and other criteria was denied transplantation on account of expiry of the arrangement of transplantation with AIG Hospitals, Hyderabad with whom there was an MoU which had expired on 01.04.2025. It is also stated that the modalities to work out the new proposed MoU with



MGM, Chennai is being pursued in right earnest and the developments will be apprised to this Court.

Considering the urgency of the matter, list this matter on 31.07.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

OPD Ticket Registration

A news item has been published in Odia daily "The Sambad" on 17.07.2025 under the caption of "**MADHYARATRIRE BANDA RAHUCHI SCB ONLINE TICKET PANJIKARANA: SAMASYARE ROGI SAMPARKIYA**".

The learned counsel for the State has submitted written instruction received from the Medical Superintendent, SCBMCH that so far as the issue regarding online registration of the OPD tickets is concerned, the online OPD registration is being done from 12.00 a.m. in the night to 3.00 p.m. in the day time. However, keeping in view the inconvenience faced by the patients, the matter has been brought to the notice of the Director of Health Services, Odisha and the system to enable 24x7 OPD tickets registration is being worked out in consultation with **Odisha Computer Application**



Centre (OCAC).

List this matter on 07.08.2025, on which date further development made in the meantime shall be placed for consideration of the Court.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**ABSENCE OF SHED FOR THE PATIENTS AND
THEIR RELATIONS IN PATHOLOGY
DEPARTMENT**

A news item has been published in the odia daily "The Samaj" on 13.07.2025 under the heading of "SCB NIDAN KENDRA RE ABYABASTHA - MUNDA UPARE NAIHIN CHATA, ODA HEUCHANTI ROGI".

It is stated in the said report that in the pathology Department of SCBMCH, Cuttack, there used to be long queue in front of Pathology Department to give samples of blood for testing and to collect the reports but there is no shed for which the patients and the relatives are suffering a lot being exposed to sun and rain.

The Superintendent, SCBMCH, Cuttack who is present online, has assured that suitable



arrangements shall be made to ensure that the patient and their attendants, who are utilizing the services, are not exposed to the vagaries of the nature.

The Superintending Engineer, Md. Shahbaz, R & B, Cuttack, who is also present through virtual mode, has assured this Court that steps in this regard shall be taken.

List this matter on 07.08.2025.

The Medical Superintendent, SCBMCH, Cuttack and the Superintending Engineer, R & B, Cuttack shall apprise this Court about the development made in this regard.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**SARDAR VALLABHBHAI PATEL POST GRADUATE
INSTITUTE OF PAEDIATRICS - SISHU BHAWAN**

267.
18.07.2025

(i) News item was published on 17.07.2025 in the vernacular daily "The Sambad" under the heading of "**SISHU BHAWAN KOTHARE DURNITI GANDHA - HATA MARILE KHASI PADUCHI TILE**" wherein it is stated that within a



span of three months of inauguration of Sishu Bhawan (7-floor), the tiles installed in the wall have fallen which poses a threat to the life of infants as well as attendants. It is further stated that the authority of Sishu Bhawan has already made correspondence with the R & B Division, Cuttack for replacing the tiles and R & B, Division has started the work. It is further stated that Prof. Dr. Prabhakar Mishra, the Superintendent of Sishu Bhawan has also made correspondences with the authorities of R & B to verify the construction work and to follow up the repair work, which has already been started. It is further stated that even though an amount of Rs.116.92 crores have been spent on such building and the same has been inaugurated on 11th April, 2025, within a span of three months, such incidents have occurred and demand has been made for a high level inquiry into the alleged irregularities in the construction work.

Learned counsel for the State has produced the show cause notice dated 25.06.2025 issued to M/s. Bridge & Roof Co. (India) Ltd., Bhubaneswar by the Superintending Engineer, Cuttack (R & B) Division No.1, wherein it stated that as per clause no.34 of condition of the contract, the defect liability (DLP) is three years from the date of



issue of completion of work i.e. 31.12.2022 and accordingly, served the show cause notice under Clause-34 of the contract to rectify the defects immediately. It is further stated that M/s. Bridge & Roof Co. (India) Ltd., Bhubaneswar was instructed to rectify the defects in three days otherwise the defects will be rectified by the department and the cost thereof will be recovered from the dues payable under Clause-35 of the contract. The said show cause notice is taken on record.

List this matter on 07.08.2025.

The Superintendent of Sishu Bhawan shall apprise this Court about the development in this regard.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

(ii) The Advocates' Committee raised concern regarding access to Sishu Bhawan from Kathajodi Road side impeded on account of stacking of debris in front of the gate.

The Superintending Engineer, R & B Division, Cuttack appears through virtual mode



submitted that the demolition work is going on and it would be over within 15 days and the debris stacked in front of the Sishu Bhawan gate from Kathajodi river side shall be removed completely by 1st week of August, 2025.

List this matter on 14.08.2025.

The Superintending Engineer, R & B Division, Cuttack shall apprise this Court about the progress made in this regard.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

(iii) Construction of High Boundary Wall around SVPPGIP, Cuttack campus

Mr. Bijay Kumar Dah, learned Amicus Curiae has produced the written instruction dated 09.06.2025 of the Superintendent, SVPPG Institute of Paediatrics, Cuttack addressed to the Superintending Engineer R & B (Div-1), Cuttack wherein it is stated thus;

“with reference to the subject cited above, I am to state that construction of a high boundary wall keeping in view the land in



possession of SVP PGIP Cuttack is essential to prevent entry of trespassers from outside, theft, or vandalism and untoward intrusions into SVP PGIP (Sishu Bhawan) which is a tertiary care pediatric hospital as the new gate connecting to ring road has been functional. The Revenue Laws in favour of the same if any may please be adhered to.”

The Superintending Engineer, R & B Division, Cuttack appearing through virtual mode submitted that he has received the letter and he shall take necessary steps for construction of the high boundary wall around SVPPGIP campus.

List this matter on 14.08.2025.

The Superintending Engineer, R & B Division, Cuttack shall apprise this Court regarding steps taken in the meantime.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



**LAGHUCHAP BARSHARE BUDIBA CUTTACK-
SARILANI PANKODHAR; LAGILANI PUMPSET**

268.
18.07.2025

As per the order no.247 dated 19.06.2025, learned counsel for the C.M.C. was directed to recast the detail list of pump operators indicating the name of the officers under whom, the pump operators are to function.

Today, learned counsel for the C.M.C., Mr. Nayak has submitted a detailed report indicating the ward no, location, the pump capacity and pump no. etc., which is taken on record.

The Members of the Advocates' Committee raises the concern that usually at Badambadi bus stand, there is persistent water logging in spite of placement of pump sets.

Ms. Sanjukta Sa, Executive Engineer, City Division-III, C.M.C. appearing through virtual mode submitted that a plan has been chalked out and it has been placed before the Works Standing Committee of the C.M.C. but it is yet to be approved.

The Commissioner, C.M.C., submitted that on urgent basis, Works Standing Committee will be convened and the proposal submitted by Ms. Sanjukta Sa, Executive Engineer, City Division-III, C.M.C. shall be approved and after its approval, the work will commence immediately.



List this matter on 24.07.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**STREET LIGHT NOT FUNCTIONING IN
DIFFERENT AREAS UNDER CMC**

269.
18.07.2025

A news item was published on 22.06.2025 in the vernacular daily under the heading of "**NO STREET LIGHT IN 1-KM-LONG STRETCH FOR 3 MONTHS; CMC ASSURES ACTION**" wherein it is stated that the street lights are not functioning in a stretch from National Law University (NLU), Cuttack to Sector-13 in CDA and for months together, the area is plunged in darkness, leaving commuters and residents distressed. It is further stated that the stretch, located adjacent to the Kathajodi river, serves as a vital corridor for more than 15,000 vehicles daily and it connects Cuttack city with important suburban areas like Naraj, Munduli and Athagarh. However, the absence of functional street lighting has rendered the road not only inconvenient but dangerous after dusk.



Learned Members of the Advocates' Committee submitted that in most of the wards, similar problems are there throughout the Cuttack City.

In view of such state of affairs, let the President and Secretary of the Orissa High Court Bar Association collect data from the Advocates of the respective wards who are in the Advocates' Committee regarding functioning of the street lights in their areas and furnish a report to that effect.

List this matter on 31.07.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

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

270.
18.07.2025

A news item was published on 17.07.2025 in the vernacular daily "The Sambad" under the heading of "**BANDHUKA DEKHAI LUTERANKA ATANKA - RANIHAT, URBAN HATARE MAHILANKA CHAIN LOOT**".

The learned Members of the Advocates' Committee raises a concern that such activities are



increasing day by day due to lack of street lights, absence of proper police patrolling and absence of CCTV installation in various areas of the Cuttack City.

Mr. Hrishikesh Dhyandeo Khilari, I.P.S., D.C.P., Cuttack appearing through virtual mode submitted a letter dated 14.05.2025 which has been addressed to the Vice Chairman, Cuttack Development Authority, Cuttack for installation of CCTV surveillance camera system at 191 locations of Cuttack City under CDA, Cuttack for monitoring public safety, enhancing law enforcement response, improving traffic management and aiding in the prevention and detection of crime. The letter is taken on record.

The DCP, Cuttack has also submitted another letter dated 14.05.2025 addressed to the Vice Chairman, Cuttack Development Authority, Cuttack with a request for installation of electronic traffic signal system at different places in Cuttack City in view of public safety. The letter is also taken on record.

The CDA Authorities shall apprise this Court about the steps taken on the letters written by DCP, Cuttack dated 14.05.2025 on the next date.

Considering the civic issues slated to be taken up on 24.07.2025, the Director, Municipal



Administration is called upon to remain present either virtually/physically on the said date along with other officials.

Necessary communication shall be made by the Registry.

The learned Advocate General is requested to assist the Court on the said date.

The learned Addl. Govt. Advocate Mr. D. Nayak-A, is called upon to intimate the learned Advocate General.

List this matter on 24.07.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

DUMPING YARD AND MCCS (MICRO COMPOSTING CENTRES

271.
18.07.2025

Learned counsel for the CMC, Mr. Nayak submits that the Micro Composting Centres near Raghunath Jew Temple has been shut from 22.01.2025 and steps for relocation of the same have already been initiated.

The communication received from the CMC dated 15.01.2025 is also taken on record relating to alienation of suitable patch of Government land for



shifting of dumping yard at Sati Chaura.

The Nodal Officer, ADM Cuttack assures this Court that steps in this regard shall be taken shortly and the identified location shall be intimated by 23.07.2025.

List this matter on 24.07.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

BEAUTIFICATION OF TALADANDA CANAL
CUTTACK

272.
18.07.2025

Learned counsel for the Municipality refers to the communication of the Commissioner, CMC dated 12.07.2025 addressed to the Inspectors-in-Charge, Malgodown Police Station, Mangalabag Police Station, Madhupatna Police Station and Badambadi Police Station seeking action against miscreants defacing the Taladanda Canal in the face of repeated directions passed by this Court. The said communication is taken on record.

The DCP, Sri Khilari Rishikesh Dnyandeo, IPS who is present virtually is asked to look into the matter and ensure that necessary follow up action is



taken.

List this matter on 31.07.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

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

273.
18.07.2025

In this connection it is pertinent to note that this court has passed orders relating to "Mo Bus" services on 05.12.2024 which are extracted for convenience of reference:

"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."



A news item was published in the daily newspaper "The Samaj" dated 15.07.2025 under the caption "AMA BUS CHAKA TALE GALA JIBANA" and a news item has been published in the English newspaper "The Times of India" dated 16.07.2025 as "FREQUENT AMA BUS ACCIDENTS RAISES CONCERN OVER ROAD SAFETY". Both the news items relating to the careless driving of the driver of "AMA BUS" which resulted in the unfortunate death of one person.

Mr. Sanjay Kumar Biswal, General Manager, CRUT appears through virtual mode. MR. J. Katikia, learned counsel for CRUT submits that in the meantime steps have been taken for testing of the drivers by conducting breath analyzer test and action has been taken against the drivers who are found to be drunk. Compensation has been given to the persons who died.

Mr. Sanjay Kumar Biswal, General Manager, CRUT submits that a tender has been floated for construction of "Bus Stop" at the designated places to ease the difficulties of the persons waiting to utilize the services.

Let a detailed affidavit in this regard be filed by the next date.



List this matter on 07.08.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**REGARDING MAKING THE PARKS USER
FRIENDLY FOR DIFFERENTLY ABLED**

274.
18.07.2025

The compliance report of the CMC relating to Jaya Prakash Narayan Park and Birakishore Ray Park is taken on record.

The Advocate representing the Wards in which the Parks are located are called upon to visit and submit their response relating to the facilities stated to have been provided and this matter shall be taken up on 07.08.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

I.A. No.11619 of 2025

275.
18.07.2025

This is an application by residents of Ward No.22 of Meria Bazar ventilating their grievances



regarding construction of a vending zone allegedly affecting their ingress and egress.

Taking into account their concern as ventilated by the learned Senior Counsel, Mr. M. Kanungo, the City Engineer Mr. A.K. Samanta, who was present virtually, is asked to visit the area at 11.00 A.M. tomorrow (19.07.2025) along with Mr. B.N. Udgata member of the Advocates' Committee.

Let the area be inspected and if necessary, suitable alteration be made to the existing plan to address the concern expressed by the residents of Ward No.22 of Meria Bazar.

The steps taken in this regard shall be taken up for consideration on 24.07.2025.

List this matter on 24.07.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge