



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***

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

*Mr. Avijit Pattnaik
Advocate
Secretary, OHCBA*

*Er. N.K. Mohanty
Amicus Curiae*

*Mr. Bijay Kumar Dash
Amicus Curiae*

-versus-

State of Odisha & others Opp. Parties

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

CORAM:

JUSTICE S.K. SAHOO

JUSTICE V. NARASINGH

ORDER

20.11.2025

These matters are taken up through Hybrid arrangement (video conferencing/physical mode).



**GRIEVANCES OF RESIDENTS OF MERIA BAZAR-
WARD NO.22 REGARDING CONSTRUCTION OF A
VENDING ZONE (I.A. NO.11619 OF 2025)**

Order No.
351.
20.11.2025

Regarding the grievances of residents of Meria Bazar-Ward No.22, this Court directed for a joint inspection to be conducted by team comprising of City Engineer and learned Advocate representing their area along with the Mr. B.N. Udgata, learned counsel.

On 25.07.2025, learned counsel for the CMC placed on record the inspection report dated 19.07.2025 of the City Engineer, CMC and the learned counsel representing the Advocates' Committee also concurred with the report submitted by the City Engineer.

The relevant paragraphs of the inspection report dated 19.07.2025 of the City Engineer, CMC read as under:

“The team also verified the approved building plan and drawings of the said apartment complex. On verification, it is seen that as per the approved building plan, there is one gate on the northern side of the said apartment complex and another gate exists on the western side of the apartment complex. Hence, only the aforementioned two gates have been approved in the Building Plan and Drawing.

Recently, the owner of the said apartment complex has opened another gate to its southern side. This new gate has not



been approved and does not exist in the approved building plan and drawing of the said apartment complex. From the discussions held with the local public, it came to light that after completion of the Box Drain, the owner of the said apartment complex has intentionally constructed and opened the third gate (New Gate) on the southern side of the apartment complex which opens right next to the under-construction Vending Zone.

From the location and the manner in which the new third gate has been built, it seems the intention of the owner of the complex is to prevent the vending zone from operating by not allowing the proposed shops under construction to open. It is pertinent to mention here that the said vending zone is being specifically constructed for the purpose of rehabilitation of the vendors of the locality who have been recently evicted from the said site since vending was being carried out in a disorganized manner leading to traffic congestion and chaos. The intention of the CMC behind creating the vending zone is two-fold to rehabilitate the displaced vendors so that their livelihood is not adversely affected and ensure smooth flow of traffic in the area.

The width of the road on the approved exit gate on the western side of the apartment complex is about 21 to 31 feet. Similarly, the width of the road on the



approved northern gate is about 18' 6". Hence, the roads adjacent to the gates as per the approved building plan and drawing of the said apartment complex are wide enough for comfortable ingress and egress of the occupants and their vehicles."

A reply dated 01.08.2025 to the inspection report of the CMC, Cuttack has been filed by the Intervenors, wherein it is stated as follows:

1. That it is humbly submitted that the inspection report filed by the Opp. Party is a complete biased report, misleading and not justified to the residents of Ward No.22 at Meria Bazar area.

2. That it is humbly submitted by the Intervenors that the Hon'ble High Court had directed the Opp. Party on dated 18.07.2025 to visit the area at Ward No.22 Meria bazaar and inspect the area and if necessary suitable alteration be made to the existing plan of installing of vending zones.

3. That it is worthwhile to mention that on 19.07.2025, CMC City Engineer along with other staffs visited the above mentioned area, however, they did not inspect the whole apartment area as they have stated in their report. Further it is stated that a large number of local residents gathered at that place protesting against installation of vending zones at the particular place as it would bring chaos to the free movement of the traffic.



4. That it humbly submitted that in the said inspection report, the Opp. Party have stated that according to the approved building plan and drawings of the said apartment complex there exists two gates, one on the Northern side and the other on the Western Side. That it is humbly submitted that as per the approved building plan and drawings the Northern gate was never constructed despite having approval because of huge water logging which goes upto 3-4 feet during rainy seasons on that side of the road creating hindrances to the residents particularly the school going children, however, there is a small 3.5 feet gate towards the end of the building which was constructed 70 years back before construction of the apartment. This clearly shows the inefficiency and slack of the City Engineer and the staffs as they have not inspected the site/area properly.

5. That it is pertinent to mention here that only the Western side gate is now the only way to access to the road which faces similar situation during rainy season. That it is further submitted that as stated in the inspection report by the Opp. Party that the apartment owners have intentionally constructed and opened the Southern side gate after completion of the Box drain which is totally misleading and false. The fact is that the Southern side gate was constructed much before the box drain construction even started. That it is further humbly submitted



that before the construction of the Southern gate the residents of the apartment had a verbal communication with the then Commissioner of CMC where the Commissioner had verbally said that there would be no additional approval required for opening of another gate. That the whole purpose of constructing the Southern gate was to get access to a wider road where in time of emergency, an ambulance or a fire truck can travel easily.

6. That it is humbly submitted that the whole case and grievance of the residents of Ward No.22 is installation of vending zone at the said area rather than opening of gates. That the proposed installation of vending zones are constructed on the footpath/ pedestrian path which itself is illegal and against the notification dated 06.07.2015 issued by the Housing & Urban Development Department. A copy of the Notification dated 06.07.2015 is attached herewith.

7. That it is pertinent to submit that the Clause 7(1)(b) of the said notification clearly states that "the vendor in any way shall not obstruct the free movement of the pedestrian and traffic". In this case, the vending zones are constructed right on the footpath creating great problem to larger general public for their free movement. That it is a fact that there is a school just beside the apartment therefore elderly and children are now forced to walk on the road which could possibly lead to a mishap.



8. That it is humbly submitted that in the same said notification, it has been clearly stated that for the approval of installation of vending zones at different place, a Town Planning Committee has to be formed for the purpose of identifying existing street vendors and for registration, the Town Planning Committee shall use Geographic Information System (GIS) mapping, digitalized photo senses, biometric sensors. That has the Opp. Party followed all these above mentioned rules?

9. That it is humbly submitted that this Hon'ble Court had directed that the Opp. Party may see some suitable alteration of installing vending zones but they have kept quiet on that part. That there are more suitable places like near Meria Bazar route to Baropathar road where vending zones can easily be installed. That it is further humbly submitted that in Ward No.22 there are many vending zones constructed leaving spaces for pedestrian but here they have created on the pedestrian/footpath. That the CMC can easily use the 30 feet footpath created from Baropathar to Meria Bazar which has footpath on both sides of the road for such vending zones without obstructing ingress and egress of the traffic."

Mr. Atanu Kumar Samanta, City Engineer, CMC has filed an affidavit dated 11.09.2025 in compliance to the reply filed by the intervenors, Pintu Mandal (arising out of I.A. No.11619 of 2025), wherein it



is stated as follows:

(i) In compliance of the direction dated 18.07.2025 passed by this Court, the City Engineer along with Mr. B.N. Udgata, the learned Member of the Advocates' Committee, engineering personnel and the concerned Assistant Town Planner, CMC visited the site/area on 19.07.2025 at 11:00 a.m.;

(ii) After inspection of the said area, a detailed inspection report was filed before this Court on the next date of hearing, i.e. 25.07.2025 by the Counsel for CMC;

(iii) At the time of hearing of the matter on 25.07.2025, the learned Senior Counsel for the Interveners seek adjournment to file response to the said report and this Court directed to file the said response by 01.08.2025 and accordingly, the Interveners have filed a reply to the aforementioned Inspection Report of CMC;

(iv) The allegation of the Interveners that, the whole apartment area has not been inspected by the team and at the time of said visit, a large number of local resident gathered at that place protesting against installation of vending zone at the said place, as it would bring chaos to the free movement of the traffic, which is also not correct;

(v) At the time of said visit, only the



apartment owner, who was present at the spot vehemently opposed the construction of the said Vending Zone. Rather, the poor vending shop keepers who were doing their small businesses at the said site for their bread and butter only, have been earlier evicted due to the construction of the said Vending Shop. Just after removal of the said poor shop keepers, from the said location, they were coming to the CMC Office and requested Commissioner, CMC for their rehabilitation. During the discussion with them, Commissioner, CMC had told sympathetically to them that all of them will be considered for rehabilitation at the said site after completion of the Vending Zone. Apart from this, it is also stated that, the local residents of Meria Bazar through the President and Secretary of the Meria Bazar Sahi Committee have submitted a representation before the Commissioner, Cuttack Municipal Corporation on 11.08.2025 in support of construction of the said Vending Zone at the proposed site;

(vi) The allegation regarding chaos for free movement of the traffic, it is stated that there will be available of a road of more than 42 feet width which is one of the most widest roads in the entire Cuttack City over the Box Drain, even after construction of the said Vending Zone which can be enough for free movement of traffic. So, the said allegation is false. Only the



Intervenors in connivance with the owner of the said Apartment is protesting the construction of the vending zone for his self-interest only. Copy of the representation of the local residents of Meria Bazar has been annexed to the affidavit as Annexure-A/2;

(vii) The statement of the Intervenors that, the Northern side gate has not been constructed due to water logging problem, is not at all correct. At the time of inspection, it is seen that, a gate on the Northern side of the said Apartment exists. On the other hand, they have also admitted that there is a small gate of 3.5 feet towards end of the building. But, they have not mentioned on which side the said gate now exists. Further, there is another gate exists on the Western side of the said Apartment, which is being used by the residents, as has been admitted by the Intervenors. So, the said site/area has been inspected properly by the team;

(viii) As per approved building plan, there is having a road of width more than 42 feet which is access to the Northern side Gate of the Apartment, similarly, as per the said approved plan, there is having another road of width more than 20 feet which is access to the second gate on the Western side of the Apartment. Therefore, the owner is getting two roads for the both two gates, which can easily be used for free movement/access of



the residents of the Apartment. Both the two roads at the Northern gate and Western gate of the Apartment are always remaining in good condition, even also water logging is not being occurred during rainy season only except heavy rain fall;

(ix) The statement of the Interveners that the Southern side gate was constructed much before construction of the Box Drain with verbal communication with the then Commissioner of CMC, who had verbally said that there is no need for additional approval required for opening of another third gate, is totally false and baseless. As a law abiding Officer, the Commissioner has rather told to the owner of the Apartment, to use the Northern side Gate which was earlier approved in the said Building Plan. In this regard, it is stated that there are two numbers of Gates, i.e. one on the Northern side and another on the Western side of the Apartment. They have also admitted that opening of the Southern side gate was to get access to a wider road where in time of emergency, an ambulance or a fire truck can travel easily. In this regard, it is further stated that, there were massive encroachments over the said CMC Plot before construction of Box Drain. However, at the time of construction of the Box Drain, all the encroachments were removed and only after removal of such encroachment and construction of Box Drain, the owner



of the Apartment opened a new gate with *mala fide* intention to grab the adjoining municipal land;

(x) It is further stated in the affidavit that even after completion of the Vending Shop, as there is still having more than 42 feet of wide road, at the side of the Vending Shop, question of obstruction by the vendors for free movement of pedestrian and traffic does not arise;

(xi) Though the said Ward No.22 is a densely populated area, having no other Vending Zone, so the construction of the said Vending Zone cater to the need of the public in general of the said Ward and also the said Vending Zone may generate livelihood for the local unemployed youth and poor people of the said area/Ward;

(xi) The allegation of the Interveners that the said Vending Zones are constructed over the footpath/pedestrian path is not at all correct. The said Vending Zone is constructed by leaving sufficient space for use by the pedestrians, elderly people and also school going children. Further, there is more than 42 feet road exists in front of the said Vending Zone, which is sufficient for smooth traffic movement;

(xii) The suggestion of the Interveners that there is sufficient space of 30 feet footpath created from Baropathar to Meria Bazar, which can be used by CMC



for the purpose of construction of vending zone, is not at all correct. The Interveners are opposing construction of vending zone at the site/area of Meria Bazar, complaining that the same is under construction over the footpath. On the other hand, they are suggesting for construction of Vending Zone over the footpath created from Baropathar to Meria Bazar, which shows that, the whole problem of the Interveners is to help the owner of the Apartment by opening the third gate on the southern side of the apartment and to grab the rest part of the adjacent Municipal land, over which the said Vending Zone is under construction, for larger interest of the poor evicted shop keepers who will be rehabilitated after its construction;

(xiii) It is further stated in the affidavit that the said vending shop was being carried out in a disorganized manner leading to traffic congestion and chaos. The intention of the CMC behind creating the vending zone is two-fold - to rehabilitate the displaced vendors so that their livelihood is not adversely affected and ensure smooth flow of traffic in the area.

In view of the affidavit dated 11.09.2025 filed by the City Engineer, CMC that the vending zone at Ward No.22 Meria Bazar would cater to the need of the poor vending shopkeepers, who were carrying out small businesses there and got evicted and also to the need of



public in general, particularly that of Ward No.22, coupled with the fact that there is availability of wide road for free movement of traffic even after construction of vending zone. Further, as stated in the said affidavit that there are gates for the free movement/access of the residents of the Apartment and that the third gate to the Apartment has been opened unauthorizedly in deviation to the approved plan, the CMC authorities shall proceed with the work of vending zone. The District Administration shall see that there is no hindrance created to such work.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

BSWC DRAIN OF CUTTACK

352.
20.11.2025

When this issue was taken up on 18.09.2025, this Court, referring to the affidavit dated 17.09.2025 filed by the Secretary, H & U.D. Department had specifically observed thus;

“xxx

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On perusal of the affidavit dated 17.09.2025 filed by the Principal Secretary, H&UD Department, this Court is of the firm view that



considering the nature, scale, complexity and the huge cost involved in the project, which is stated to be 496 Crores.

i. The DPR for the project should be vetted again by IIT, Bhubaneswar in public interest as proposed by the Chief Engineer-cum- Additional Secretary to Government, Housing & Urban Development Department vide his letter No.12310 dated 30.05.2025 to negate even the possibility of any error; And,

ii. The project should be overseen/ supervised by WATCO which has prior experience in the execution of such projects after having successfully taken over and executed the Box Drain project in Cuttack OR by any other Govt. agency that has proven experience in executing projects of this nature and scale.

Learned counsel for the State, Mr. Nayak shall place on record the response of the Government in this regard which shall be considered in the sitting dated 16.10.2025.

In the interregnum, there is no embargo for the Government in the H & UD Department to take steps to get the DPR vetted by the IIT Bhubaneswar.

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xxx"



Accordingly, Mr. Nayak, learned AGA was directed to place on record the response of the Government.

Today, when the matter was taken up, Mr. Nayak, learned AGA placed on record the instructions of the Secretary, H & UD Department vide letter No. 24436 dated 15.10.2025. The relevant extract of such instruction is culled out hereunder;

“xxx xxx xxx

(I). It is decided that WATCO shall undertake the overall supervision of the project, given its expertise and successful track record in implementing the Box Drain Project in Cuttack.

(II). It has also been decided to include the School of Infrastructure, IIT Bhubaneswar, in the Technical Committee to be constituted for overall technical supervision during the execution of the BSWC drainage works.”

Since the DPR for the Branch Storm Water Channels has already been vetted by VSSUT, Burla, and submitted to the



Housing & Urban Development Department, a fresh vetting by IIT Bhubaneswar may potentially delay the project's implementation.

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xxx”

On a query from this Court as to why the Government in H & U.D. Department is hesitant in acting in conformity with its earlier decision as noted above, Mr. Nayak, learned AGA submits that the instructions of the Chief Engineer-cum-Additional Secretary, H & U.D. Department vide his letter No. 12310 dated 30.05.2025 to the Commissioner, C.M.C. to have the DPR relating to the BSWC drains to be vetted by the IIT, Bhubaneswar is his own opinion since, it is on record that the in the review meeting dated 30.04.2025, the issue was never discussed nor referred to.

Further, since the Government has granted *ex post facto* approval to vetting of the DPRs by VSSUT, Burla, it is a policy decision of the government, and, therefore, warrants no interference from this Court. He further submits that since the Government has decided that WATCO would be given “overall supervision” of the project and IIT Bhubaneswar will be involved in the Technical Committee to be constituted for overall technical supervision during execution of the project, the



decision of the Government in this regard conforms to the spirit of the Court's observations.

This Court is unimpressed by such submission and is unable to accept the contentions of the learned AGA, Sri. Nayak.

On a bare perusal of the letter dated 30.05.2025 of the Chief Engineer-cum-Additional Secretary, H & U.D. Department, it is evident that vetting of DPR by IIT was specifically dealt with therein. From the tenor thereof, no man of prudence can conclude that it is the personal opinion of the Chief Engineer-cum-Additional Secretary, H & U.D. Department as strenuously and vehemently urged by the learned Additional Government Advocate.

For convenience of reference, the relevant paragraph of the said letter addressed by the Government in Housing & Urban Development Department by the Chief Engineer-cum-Additional Secretary to Government, Housing & Urban Development Department to the Municipal Corporation Cuttack is extracted hereunder;

"xxx

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xxx

Since the proposed drain will carry storm water from the town and discharge into the main drain, it is



critically important to confirm the adequacy of the system in terms of its capacity, hydraulic characteristics, and slope to ensure smooth discharge. In this regard, the hydraulic design be vetted by IIT Bhubaneswar, which possesses the necessary expertise in hydraulic analysis and has consent to do so. On obtaining their validation and necessary compliance the estimate may please be revised and resubmitted for early approval with detail drawings.

xxx

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xxx”

(Emphasized)

In the light of the above, it is not understood as to why the Government in H & U.D. Department, in a project costing almost Rs.500 crores is steadfastly refusing to consider the matter in its correct perspective and insists that no further vetting is necessary with a vague and veiled explanation that further vetting will delay the implementation of the project.

This Court on perspicuous analysis of the sequence of events and the materials on record is constrained to hold that the facade of “policy decision”



falls flat in the face of overwhelming public interest.

Public interest is a crucial guiding principle for policy makers to ensure that decisions serve the collective welfare of the community. Public interest serves as a bench mark for government decisions, ensuring towards societal needs and priorities.

Keeping in view such paramount public interest in the light of the project being of Rs.496 crores as on date and ramification of the same being not properly executed, this Court is impelled to pass the following directions (I) & (II) which, in the considered view of this Court does not prejudice the interest of the State in any way,

- (I) The DPR of 5 BSWCs be submitted to IIT, Bhubaneswar within two weeks for re-vetting to eliminate the possibility of any foundational error, however remote at the very inception;
- (II) WATCO which is under the Administrative control of H & UD Department of the Government of Odisha having the desired expertise and proven track record of successful execution of the box drain shall execute the project.



Necessary compliance from the Government in H & U.D. Department shall be placed on record by the next date.

List this matter on 11.12.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

S.C.B. MEDICAL COLLEGE AND HOSPITAL
PROBLEMS

353-A.
20.11.2025

(i) ONLINE REGISTRATION OF O.P.D.
PATIENTS:

During the course of deliberation on 11.09.2025 regarding registration for OPD and issue of hassle free follow up by the patient(s), Prof. (Dr.) Goutam Kumar Satpathy, Superintendent I/c., SCBMCH, Cuttack apprised this Court about the procedure followed in case of patients who were coming for follow-up check-up as per the advice given. Accordingly, he was called upon to place on record such procedure followed, specifically highlighting the modalities to be followed by the patient in particular cases where he/she chooses to approach the same doctor, who has already examined/treated him/her.



Mr. Debasis Nayak, learned counsel for the State has produced the written instruction dated 18.11.2025 of the Medical Superintendent, SCBMCH, Cuttack, which is taken on record.

In the written instruction relating to the procedure for follow-up check-ups, specifically highlighting the modalities for patients who choose to approach the same doctor who previously examined or treated them, it is stated that while attending a patient, when the treating doctor interacts and evaluates the patient in OPD and gives conservative treatment, i.e., prescribing medicines if the patient does not require surgery intervention with certain follow up advice, specific OPD days are earmarked for each unit. Apart from treating patients, the faculties are associated with teaching of medical students, attending OT, meetings, seminars, research activities etc. Hence, a patient requiring consultation beyond his allotted OPD days can approach the doctor concerned in his free time inside the department concerned.

Prof. (Dr.) Goutam Kumar Satpathy, Superintendent I/c., SCBMCH, Cuttack is present through virtual mode. He has assured this Court that relating to the issue of a patient requiring consultation with a doctor beyond his allotted OPD days, necessary instruction in this regard shall be imparted and all the



HoDs of SCBMCH will be sensitized to such issue. The said instructions shall be issued to the effect that in case, any patient wants to see the same doctor, who was the earlier treating doctor in the non-OPD days, the concerned HoDs will make an arrangement to ensure that he/she gets to meet the doctor without facing any inconvenience and necessary guidance shall be provided to the patient through the Help Desks, which are functioning in the hospital.

List this matter on 08.01.2026.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**(ii) MAINTENANCE OF HYGIENIC
CONDITION OF CENTRAL KITCHEN:**

353-B.
20.11.2025

As per the order no.318 dated 11.09.2025, the Health Secretary, Govt. of Odisha was called upon to constitute a team to study the guidelines 2022 issued by the Ministry of Health & Family Welfare, Govt. of India styled as "**Guidelines for Modern Kitchen and Dietary Services**" and suggest as to how in the SCBMCH, Cuttack as well as other Govt. hospitals in Cuttack City, a well-planned infrastructure could be



provided, infection preventive measures could be taken, protocols and processes for preparation and distribution of cooked diet in a systematic way could be maintained, simultaneously ensuring quality and to submit a report in that respect.

The Medical Superintendent of SCBMCH, Cuttack was called upon to file a detailed affidavit regarding the hygienic measures taken during preparation and distribution of diet to the indoor patients, monitoring of the diet preparation, adequacy of diet to the patients, diet serving procedure and also to suggest the areas of improvement in dietary service.

Prof. (Dr.) Goutam Kumar Satpathy, Medical Superintendent in-charge, SCBMCH, Cuttack has filed an affidavit dated 12.11.2025 regarding this issue, which is taken on record.

In the said affidavit, it is stated as follows:

1. The dietary services have been outsourced to an agency M/s. Utkal Suppliers, Berhampur. As per the National Health Mission (NHM) guidelines, the agency has been provided with the space, electricity and water supply in order to facilitate preparation and distribution of diet to patients. The human resource involved with the preparation and supply of diet have been maintaining proper hygiene by using aprons, hats, gloves etc. required during the exercise. Rotis are being



prepared by Roti Pressing Machine. The Dietician of the Hospital is taking care of the hygiene and nutrients aspects in preparation and supply of diets to patients as per their requirements. Besides, the Hospital Managers are taking the stalks of the situation by paying visits in regular manners;

2. It is further stated that there is a Diet Vigilance Committee (DVC) in the hospital for monitoring and supervision of diet preparation, distribution, ensuring diet quality and overall management of diet. The committee members meet once in a month to discuss matters related to dietary services. The DVC conducts regular surprise check and interacts with the indoor patients to ascertain the quantity and quality of diet, hygiene and other related aspects. The DVC submits its report with suggestion to the Hospital Administration for taking necessary steps if required to facilitate better dietary management in the Hospital. In the recent past, the DVC Meeting was held on 20.09.2025 wherein certain decisions were taken which are enumerated below;

(i) As decided & discussed with approval of Diet Vigilance Committee, bilingual diet feedback form will be designated in both Odia & English and to be filled by patients & attendants during discharge;

(ii) As a method for sustainability of good, safe



& hygiene practices, air curtains to be installed & put in use at the entrance area for prevention of entry to fly, mosquitoes & insects with installing CCTV surveillance in diet & kitchen area to restrict entry of unauthorized personnel;

(iii) Signages to be fixed in strategic areas to prevent unauthorized entry of personnel;

(iv) Vaccination of kitchen staffs to be expedited;

(v) Steel tong to be used for preparation & carrying of rotis in order to prevent use of hands;

(vi) As discussed & decided by the committee members, two security guards to be deployed in diet & kitchen area;

(vii) Parking area to be developed near diet & kitchen area by the help of R & B Department for parking vehicles of kitchen staffs;

(viii) R & B Dept. to construct an additional shed for storage of day foods & crates;

(ix) A progress report of diet & kitchen to be furnished by dietician basing on the guidelines of National Institute of Nutrition published in year 2022;

(x) New diet module to be started as a pilot project in Dept. of Orthopedics;

3. It is further stated in the affidavit that the Hospital Administration has taken steps for



implementing the suggestions given by the DVC as per its feasibility such as bilingual diet feedback form, fixation of signages, fly catcher, using of apron, mask, gloves, caps etc. The R & B Department has been moved for taking up civil works in the kitchen as required. A copy of proceeding of DVC Meeting dated 20.09.2025 has been annexed to the affidavit as **Annexure-A**;

4. It is further stated in the affidavit that meanwhile the members of the Diet Vigilance Committee have met on 06.11.2025 to oversee the development made so far and address the prevailing issues if any. In the meeting, further resolutions have been taken for substantial improvement of dietary services which are enumerated hereunder:

(a) 10,000 copies of diet feedback form will be supplied within a week;

(b) After fixation of wire in the gates, the air curtain will be initiated;

(c) The Superintending Engineer, R & B Department will be moved for construction of dedicated parking area;

(d) Vaccination of all staff working in the kitchen will be done on 8th & 9th November, 2025;

(e) Steel tongs to be provided at the diet and kitchen section for the purpose of maintaining hygiene during preparation and serving of food;



(f) Pending work of CCTV installation in the kitchen will be expedited in consultation with the GED officials;

(g) The R & B Department will be moved for earmarking a suitable place and initiation of civil work thereby for storage of dry foods;

(h) The GED and R & B Departments will be requested to attend the monthly meeting of DVC;

(i) Diet module plan to be implemented in upcoming week;

(j) All liquid food to be served in aluminum foil plastic disposable cups;

(k) Pursuant to the resolution no.29712 dated 10.10.2025 of Govt. in Health & F.W. Department, the rate chart of the daily diet for indoor patients will be enhanced and instruction will be issued to the outsourced agency for addition of some food items in the existing menu;

(l) The Dietician has been instructed to prepare modified menu as per the prevailing market price and within the Govt. prescribed limit.

A copy of proceeding of the Diet Vigilance Committee held on 06.11.2025 has been annexed to the affidavit as **Annexure-B**.

5. It is further stated in the affidavit that vaccination of all staff working in the kitchen has been



done on 8th & 9th November 2025 and it is expected to complete the whole exercise of carrying out the recommendations of the DVC as mentioned above within a period of two months in co-ordination with all the stake holders involved with the task keeping in view of its feasibility;

6. It is further stated in the affidavit that the Re-Development programme of the Hospital is in progress and provision will be made to upgrade the dietary services by designing well-equipped modern kitchen adhering to the Guidelines for Modern Kitchen and Dietary Services.

The affidavit dated 12.11.2025 of the Medical Superintendent, SCBMCH, Cuttack is taken on record.

Mr. Debasis Nayak-A, learned counsel for the State has produced the written instruction dated 17.11.2025 of the Commissioner -cum- Secretary to Govt., Health & Family Welfare Department, Govt. of Odisha, which is taken on record.

In the said written instruction, it is stated as follows:

Maintenance of Hygienic Condition of Central Kitchen:

A committee under the Chairmanship of the Dean & Principal, SCBMCH, Cuttack has been constituted vide Health & FW Department Office Order No.32580



dated 06.11.2025 to study the guidelines for Modern Kitchen and Dietary Services, 2022 to suggest measures for developing modern kitchen infrastructure and systematic diet management in SCBMCH, Cuttack as well as other Government Hospitals in Cuttack City. A copy of the Office Order No. 32580 dated 06.11.2025 has been annexed to the written instruction as Annexure-A. The composition of the said Committee is given below:

1. Dean & Principal, SCBMCH, Cuttack -

Chairman

2. Superintendent, SCBMCH, Cuttack -

Convenor

3. Joint Director, DMET, Odisha -

Member

4. Dietician, SCBMCH, Cuttack -

Member

5. Executive Engineer (R & B), Cuttack -

Member

The Committee shall undertake a comprehensive study of the 2022 Guidelines as referred by this Court and examine their applicability in the context of the Govt. hospitals situated in Cuttack City.

The Committee shall make a detailed assessment of the existing infrastructure and facilities



available for preparation and distribution of cooked diet at SCBMCH, Cuttack and other Govt. hospitals in Cuttack City, with reference to adequacy, hygiene, safety standards and workflow management.

The committee for developing modern kitchen infrastructure and systematic diet management in SCBMCH, Cuttack was held on 10.11.2025. A copy of the proceedings of the meeting has been annexed to the written instruction as Annexure-B.

In the said meeting, the following decisions have been taken, which read as under:

- For supply of diet feedback form, the order has been placed to Central Store for printing of 10,000 copies which will be supplied within a week;
- Regarding installation of air curtain, it has been discussed & decided that only after fixation of wire mesh in the gates, the air curtain work will be initiated;
- A letter will be made to the Superintending Engineer, R & B addressing regarding construction of dedicated parking area;
- Vaccination of all staffs under Diet & Kitchen was done on 8th & 9th November 2025;
- Steel tongs to be provided at the diet & kitchen section area for the purpose of hygiene & safety during preparation & serving of food;



- CCTV installation work is pending which will be initiated very soon by GED officials;
- For storage of dry foods particular area to be earmarked & letter will be done accordingly addressing Superintending Engineer, R & B for early initiation of work;
- It has been discussed & decided that GED and R & B officials to remain present in all Diet Vigilance Committee meeting from here on;
- Diet module plan to be implemented in upcoming one week;
- One MRA to be deputed for Diet & Kitchen for smooth implementation of online diet module;
- All liquid food to be served in aluminum foil plastic disposable cups;
- All the members discussed the resolution no.29712 dated 10.10.2025 regarding the enhancement of rate of Daily diet of Indoor patients & instructed the Agency to add some food items in the existing diet menu i.e. one Horlicks pouch @ Rs.10.00 /02 nos. of Horlicks pouch @ Rs.05.00 each or fruit juice @ Rs.10.00 under Dry food diet & one additional veg item will be added under cooked food regularly;
- The Chairperson instructed the Dietician to prepare a modified Diet menu as per prevailing



market price & within Govt. prescribed limit as asked by the Agency for the same.

All activities are expected to be completed by 15th January.

List this matter on 29.01.2026.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

(iii) LIVER TRANSPLANTATION ISSUE

353-C.
20.11.2025

As per order no.331-D dated 25.09.2025, learned counsel for the State was called upon to apprise this Court about the development made in the liver transplant cases.

In the said written instruction dated 17.11.2025 as has been produced by the learned counsel for the State, it is stated as follows:

Liver Transplantation Issue:

1. The screening process in the Hepatology Department is continuing. It has been decided to prepare separate lists of patients for liver transplant and minor Liver Surgeries from General Surgery, Medical Gastroenterology and Surgical Gastroenterology. Once the patients are found suitable for surgery, the AIG team will visit to perform the surgeries and simultaneously



provide hands-on training to the surgeons of SCBMCH, Cuttack. This will ensure continued functioning of Operation Theatre of Liver Transplant Unit. A copy of Letter No.345 dated 30.10.2025 regarding tentative patient list (till 30th October, 2025 OPD) under consideration and evaluation for liver transplant has been annexed to the written instruction as Annexure-C;

2. In order to increase the capacity building and number of trained personnel, a list of faculties and nurses from other Medical Colleges has been prepared and annexed to the written instruction as Annexure-D. They will be sent for exposure training at AIG Hyderabad. This will ensure availability of trained personnel, in the eventuality of transfer and promotion of existing faculties to other Medical Colleges;

3. As an interim measure, steps are being taken for extension of validity of the MoU of the existing technical partner, AIG, Hyderabad for conducting the liver transplant surgeries. DMET, Odisha has also requested AIG, Hyderabad vide letter No.23473 dtd. 10.11.2025 to extend their support in conducting the Minor Liver Surgeries as well as Liver Transplant, as per the terms and conditions of the earlier MoU signed on 01.04.2024. A copy of the letter to AIG, Hyderabad has been annexed to the written instruction as Annexure-E;

4. For CTVS department, steps will be taken to



engage more Faculties and Senior Residents on contractual or regular mode even with negotiated salary or remuneration, so that there is no dislocation and let up in the patient care so far as open heart surgery is concerned. However, it is stated that the availability of faculties in such super specialty disciplines in the state is very less. Steps will be taken to send the existing faculties in CTVS and critical care for exposure visit as well as advanced training. The already trained faculties posted in other medical colleges shall be deployed during the major surgeries. Steps are being taken to invite expert team from AIIMS, New Delhi for guidance, hands on training, developing the skill and confidence of the faculties, nursing and other paramedics for conducting the heart surgeries and suggesting in equipping the OT and ICU with appropriate modern equipment and instrument for the best outcome in patients who are undergoing cardiac surgeries.

It is brought to the notice of this Court that seeking extension of validity of the MoU of the existing technical partner, AIG, Hyderabad for conducting the liver transplant surgery has been communicated vide DMET letter no.23473 dated 10.11.2025 to extend their support but the response in this regard is awaited.

Mr. Debasis Nayak-A, learned Addl. Govt. Advocate for the State submits that on the next date, he



will place on record the response of the AIG, Hyderabad. In the meanwhile, this Court expects that keeping in view the welfare of the patients, the matter will be persuaded at right earnest with the AIG, Hyderabad.

List this matter on 11.12.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

(iv) ABSENCE OF SHED FOR THE PATIENTS AND THEIR RELATIONS IN PATHOLOGY DEPARTMENT

353-D.
20.11.2025

When this issue was taken up on 23.10.2025, the learned Advocates' Committee submitted the report dated 23.10.2025 appending some photographs on this issue. One photograph of a place was attached to the said report, which was adjacent to the Super Specialty OPD registration counter and it indicated that toilets which are supposed to be used by the male persons have no doors and there are no urinals for the ladies.

When the Superintendent was asked about the same, he stated that though doors were there, those were being stolen repeatedly and he assured that



necessary corrective steps would be taken expeditiously. The Superintendent, SCBMCH, Cuttack was also called upon to take up the matters with the security agency to ensure that the doors, which shall be installed within a week hence are not stolen and if the doors are stolen, necessary action for lodging the complaint with the local police should be taken and if the doors which are to be installed within a week hence are again stolen, the same should be reinstalled at the cost of the security agency.

The Members of the Advocates' Committee also visited the Gynecology Department in terms of the order passed by this Court and stated that the condition of the toilet was deplorable and very unhygienic and there are issues relating to water connectivity in the toilets. The Superintendent, SCBMCH, Cuttack was asked to make every endeavour to ensure that at least three toilets are made functional in all aspects i.e. two toilets for male/female attendants and one earmarked for the patients.

In the written instruction dated 18.11.2025 of the Medical Superintendent, SCBMCH, Cuttack, it is stated that regarding provision for basic facilities such as toilets, sitting arrangement etc., in each and every department, the facility of toilets for staff and patients are available. Near RDC (Regional Diagnostic Centre), two numbers of toilets meant for patient attendants (1



for male and 1 for female) have been constructed. Similarly, near the Super Specialty OPD, 4 toilets meant for Male and 4 toilets for Female attendants have been made available. All the broken doors of toilets have been repaired and/or replaced with new ones. Furthermore, the sitting arrangements for outdoor patients and attendants have also been made by fixing new chairs. So far as the facilities for patients and attendants in the O & G Department are concerned, it is stated that as communicated by the Prof & HOD, O&G Department vide letter No.2567 dated 03.11.2025, there are 5 toilets in the Labour Room, 3 number of toilets for patient attendants are available. Prof. (Dr.) Ms. Sasmita Swain, HoD, O & G Department, who was present online through video conferencing mode, also stated that for attendants outside of Labour room, there are toilets and bathroom which are cleaned regularly. Rest area for female and male attendants is also made available. There are adequate numbers of Nursing Officers in the Labour Room. A copy of the letter no.2567 dated 03.11.2025 of the Prof & HoD, O & G Department has been annexed to the written instruction as Annexure-D.

During the deliberation, the Members of the learned Advocates' Committee brought to the notice of this court that so far as male attendants who are waiting in the sheds, there are no toilet facilities.



When this aspect was brought to the notice of Prof. (Dr.) Satpathy, Superintendent in-charge, SCBMCH, Cuttack and Prof. (Dr.) Ms. Sasmita Swain, HoD, O & G Department, Prof. Satpathy has assured this Court that they will explore the possibility of constructing toilets for the male attendants as well in and around the sheds so that at night, they need not walk across the road to ease themselves.

Prof. (Dr.) Satpathy informed this Court that for construction of such toilets, three departments i.e. WATCO, R & B and GED are required to be involved.

Md. Shahbaz, Superintending Engineer, R & B, Division No.1, Cuttack and Mr. Baishnu Bhusan Behera, General Manager, WATCO, who are present through online assure this Court that within a period of one month from receiving the communication in this regard from the Superintendent, SCBMCH, Cuttack, necessary work that has to be performed by respective departments shall be concluded.

Mr. Debasis Nayak-A, learned Addl. Govt. Advocate for the State is called upon to instruct the GED Department to do the needful.

List this matter on 18.12.2025.



Learned counsel for the State shall place on record the status of completion of the construction of toilets

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**(v) ADVOCATES' COMMITTEE REPORT ON
OTHER DEPARTMENTS**

353-E.
20.11.2025

When the issues of SCBMCH, Cuttack were taken up, the learned Advocates' Committee submitted the report dated 23.10.2025 relating to different departments indicating various problems and accordingly, the learned counsel for the State was asked to obtain instructions on these issues raised in the said report of the learned Advocates' Committee including staffing shortages in the Burn Unit, adequate space/manpower in the Neonatal Care Unit, seating arrangement in the Bone Marrow Transplant Unit, basic facilities in the General Medicine Department and filling of post of Professors/Associate Professors in Cardiology/CTVS Department.

BURN UNIT, SCBMCH, CUTTACK:

In the written instruction dated 18.11.2025 of the Medical Superintendent, SCBMCH, Cuttack, it is



stated that so far as Burn Unit is concerned, as communicated by the Prof & HoD, Plastic & Reconstructive Surgery, SCBMCH, Cuttack vide letter no.557 dated 27.10.2025, there are adequate number of staff so also the ventilators for management of patients. A copy of the letter no.557 dated 27.10.2025 has been annexed to the written instruction as Annexure-G.

NEONATAL CARE UNIT, SCBMCH, CUTTACK:

So far as Neonatal Care Unit is concerned, it is stated in the written instruction that the DMET, Odisha as well as the Managing Director, OSMCL, Odisha has been moved vide the officer letter no.24858 dated 28.10.2025 and vide the office letter no.26202 dated 13.11.2025 respectively for procurement of required machines as asked for. Copies of the letter have been annexed to the written instruction as Annexure-E series.

There is no dispute that Neonatal Intensive Care Unit (NICU) provides advanced medical care for premature or critically ill newborn infants. It should be staffed by a team of specialists and equipped with specialized technology like incubators, ventilators and cardiac monitors to provide life support and treatment for conditions like respiratory problems, low birth weight, and birth defects.

In view of the concern expressed by the



Advocates' Committee while visiting the Unit, this Court expects that procurement of machines should be expedited and proper staffing should be made so that the level of care meets the woes of patients and their family members and healthcare system gets improvement in the premier government-run hospital and medical college.

Prof. (Dr.) Satpathy, Superintendent in-charge, SCBMCH, Cuttack informs this Court that in response to their letter no.24858 dated 28.10.2025 for supply of equipments/instruments of different departments of SCBMCH, Cuttack, a joint meeting was held in which Director of Medical Education & Training (DMET) as well as Managing Director, OSMCL were present.

Dr. Poma Tudu, IAS, MD, OSMCL is present through virtual mode and intimates this Court that in terms of the letter dated 28.10.2025 of the Superintendent, SCBMCH, Cuttack regarding requisition for supply of instruments/ equipments, steps taken in this regard shall be placed on record by the next date indicating the items, which can be purchased by the Superintendent, SCBMCH, Cuttack at their level and what equipments/instruments have to be procured through OSMCL. It is also stated that some of the equipments are covered by existing rate for which



purchase order will be issued after approval by the State Equipment Management Committee (SEMC).

Instruction in this regard by OSMCL shall be filed by the next date.

**BONE MARROW TRANSPLANT UNIT,
SCBMCH, CUTTACK:**

So far as Bone Marrow Transplant Unit is concerned, it is stated in the written instruction that sitting arrangements for patients and attendants have been made by providing chairs in the Department concerned.

**GENERAL MEDICINE DEPARTMENT,
SCBMCH, CUTTACK:**

So far as General Medicine Department is concerned, it is stated in the written instruction that no patient is denied medical services, however, due to space constraints, the surplus numbers of patients are accommodated on floor for providing necessary medical treatment.

**CARDIOLOGY AND CTVS DEPARTMENT,
SCBMCH, CUTTACK:**

So far as Cardiology and CTVS Department is concerned, it is stated in the written instruction that the Cardiology Department of SCMCH, Cuttack is also a training institute and therefore, the DM (Cardiology) students are involved in conducting ECHO testing of the



patients under the guidance of senior faculties of the department. So far as the matter of CTVS Department is concerned, it is stated that the transport ventilator is kept in the OT for its requirement to shift the post-operative patients to the ICU. Hence, presence of transport ventilator is essential to be kept in the CTVS OT. The Prof. & HoD, CTVS vide letter No.517 dated 29.10.2025 has communicated to the Superintendent, SCBMCH, Cuttack regarding the status of functionality of newly provided equipment to the CTVS Department which has been annexed to the written instruction as Annexure-H.

List this matter on 29.01.2026.

A further report shall be submitted on all these issues regarding improvement made to address the healthcare system.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**ISSUES RELATING TO SARDAR VALLABHBHAI
PATEL POST GRADUATE INSTITUTE OF
PAEDIATRICS - SHISHU BHAWAN**

OPEN DRAIN IN SHISHU BHAWAN

354-A.
20.11.2025

When this issue was taken up on 16.10.2025, a news item was brought to the notice of this Court and



the Commissioner, CMC who appeared through virtual mode, stated that so far as open drain in Sishu Bhawan is concerned, financial bid was likely to be opened very shortly and work might commence from 01.11.2025 and she assured this Court that she should impart necessary instruction immediately to a team of officials to visit Sishu Bhawan on 17.10.2025 around 9.30 a.m. along with the representatives of the Advocates Committee. She also assured this Court that she would pass necessary instructions for cleaning and lifting of the garbage simultaneously so that there is no dumping of the same in Sishu Bhawan premises and accordingly, she was asked to place on record the steps taken in this regard.

Learned counsel for the CMC has filed the compliance report of the CMC, wherein it is stated the tender process for construction of internal drainage system in the premises of Sishu Bhawan has already been completed. The selected bidders have been issued letters for depositing of APS (Additional Performance Security) amount and EMD before 30.11.2025. After that, work order will be issued to them within the 1st week of December, 2025. The execution of drainage work will be started by the 2nd weeks of December, 2025.



Similarly, regarding cleaning and lifting of garbage from Sishu Bhawan premises, it is stated that Sishu Bhawan is having its own Sanitation Agency to clean the garbage from the Sishu Bhawan premises on every day basis. The concerned Sanitation Agency of Sishu Bhawan has been suggested to put all garbage in a designated place identified by the Sishu Bhawan Authority, from where it is being lifted regularly by the CMC.

List this matter on 18.12.2025.

Learned counsel for the CMC shall apprise this Court about the execution of drainage work inside the Sishu Bhawan.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**BEAUTIFICATION OF OPEN POND IN SISHU
BHAWAN**

354-B.
20.11.2025

As per order no.332-B dated 25.09.2025, learned counsel for the State was asked to apprise this Court about the status of completion of work of open pond in Sishu Bhawan, Cuttack.

Learned counsel for the State has produced the written instruction dated 18.11.2025 received from



the Superintending Engineer, Cuttack (R & B) Division No.I, Cuttack, wherein it is stated that work order has been issued to the agency for the work "S/R to beautification on pond in front of (G+6) Multiutility Building at SVPPGIP, Cuttack (such as fixing of stainless steel grills around the pond "Sishubhawan". Excavation work completed and the agency has ordered for procurement of materials. It is further stated in the written instruction that the work will be completed by 15.12.2025.

The written instruction dated 18.11.2025 is taken on record.

List this matter on 18.12.2025.

Learned counsel for the State shall apprise this Court about the status of completion of beautification work of open pond in Sishu Bhawan by the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**CONSTRUCTION OF HIGH BOUNDARY WALL
AROUND SVPPGIP, CUTTACK CAMPUS**

354-C.
20.11.2025

As per the order no.332-C dated 25.09.2025, learned counsel for the State was asked to apprise this



Court about the progress of construction of high boundary wall around SVPPGIP campus.

Learned counsel for the State has produced the written instruction dated 18.11.2025 of the Superintending Engineer, Cuttack (R & B), Division No.I, wherein it is stated that tender for the work "Construction of High Boundary Wall around SVPPGIP Campus" has been received by the Chief Construction Engineer, Cuttack (R&B) Circle, Cuttack and the technical evaluation of the tender is under process. It is further stated in the written instruction that the work will be started by 10.12.2025 and it will be completed by 31.03.2026.

List this matter on 18.12.2025.

Learned counsel for the State shall apprise this Court about the completion of construction of high boundary wall around SVPPGIP Campus.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**UNSAFE BUILDINGS IN CUTTACK CITY :ACTION
TAKEN THEREON**

355.
20.11.2025

When Mr. Shibo Toppo, Addl. District Magistrate -cum- Nodal Officer, Cuttack submitted an



affidavit dated 17.09.2025 indicating, inter alia, that there are 221 numbers of unsafe buildings identified, out of which 219 buildings belong to 8 public authorities and 2 buildings belong to private individuals; institution of cases against the authorities/persons to get the buildings vacated and to take appropriate action for demolition of the buildings and proposed action to be taken by each authority in the context of eventual demolition of the unsafe buildings, the matter was adjourned.

Mr. Debasis Nayak, learned Addl. Govt. Advocate has produced the letter no.7402 dated 23.09.2025 of the Superintending Engineer, Cuttack (R & B) Division-II, Cuttack, wherein it is stated that estimate for dismantling of four quarters of the High Court of Orissa at Badambadi in the name of the work "S/R to Qtr. No.F-3-9 to F-3-12 occupied by Staff of High Court of Orissa (Such as providing, dismantling and removing old damaged brick, chajja, door and window) for the year 2025-26" amounting to Rs.5,96,351.00/- has been submitted to the Asst. Registrar (Admn.), High Court of Orissa, Cuttack vide office letter No.7378 dt.22.09.2025. It is further stated in the letter that the said four nos. unsafe quarters i.e. F-3/9, E-9/10, E-9/11 & E-9/12 are in second floor of the F-3 Block at High Court Colony, Badambadi, Cuttack. The Quarter No.E-



3/1 to E-3/8 are in ground floor and first floor of the F-3 Block, which are in safe and habitable condition.

The letter dated 23.09.2025 is taken on record.

Mr. Debasis Nayak, learned Addl. Govt. Advocate has produced another letter no.8731 dated 19.11.2025 of the Superintending Engineer, Cuttack (R & B) Division-II, Cuttack, wherein it is stated that the dismantling of the unsafe quarters has already been started and roof slab has already been dismantled and the expected date of completion of the work is 28.11.2025.

The letter dated 19.11.2025 is taken on record.

A recent fatal collapse of a building balcony in Buxi Bazar has amplified the concern. The Advocates' Committee has brought to the notice of the Court that there are number of unsafe buildings in Choudhury Bazar, Nima Sahi, Bakhrabad, Nim Chouri, Mangalabag and Sutahat. Now, since Baliyatra festival is over, the District Administration should focus on demolition and rehabilitation work of the unsafe buildings. This Court shall monitor the activities.

Relating to this issue, Mr. Debasis Nayak-A, learned Addl. Govt. Advocate for the State seeks for an adjournment to submit a detailed report indicating



specific time frame within which the demolition of such unsafe buildings shall be carried out.

Let the ADM, Cuttack submit a report by next date regarding development made in this regard.

List this matter on 18.12.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

ISSUE RELATING TO CREMATORIUMS AND THE GRAVEYARDS

356.
20.11.2025

"The graveyard is the richest place on earth. It is here that you will find all the hopes and dreams that were never fulfilled, the books that were never written, the songs that were never sung, the inventions that were never shared, the cures that were never discovered, all because someone was too afraid to take that first step, keep with the problem, or determined to carry out their dream."

-Les Brown

As per the order no.350 dated 30.10.2025, this Court asked the ADM, Mr. Shibo Toppo (who is also



the Nodal Officer on behalf of the District Administration) as well as the Commissioner, CMC to submit a report regarding the number of crematoriums and the graveyards in the Cuttack City and the state of basic facilities at such places like water, toilets, lighting and rest sheds and also the measures taken to maintain hygiene and cleanliness of the said crematoriums and the graveyards so also the availability of environmentally friendly cremation systems.

Learned counsel for the State has produced the written instruction dated 18.11.2025 of the ADM, Cuttack annexing the report of the Tahasildar, Sadar, Cuttack regarding this issue, which is taken on record.

In the written instruction, the Tahasildar, Sadar, Cuttack has given a list of 24 nos. of crematorium/graveyard of Cuttack City mentioning the availability/non-availability of basic facilities like drinking water, toilet, rest shed, lighting/ illumination/hygiene, sanitation in respect of each of the crematorium/grave yard.

The extract of the report of the Tahasildar, Sadar, Cuttack is reproduced below for ready reference of the Court:



Sl. No.	Name of the Crematorium/ Grave Yard	Ward No.	Drinking Water	Basic Facilities				
				Toilet	Rest Shed	Lighting/ Illumination	Hygiene	Sanitation
1	Swarga Dham (Smasan Soudha)	51	Available	Available	Available	Available	Maintained	Maintained
2	Sankarpur Smasan	44	N/A	N/A	N/A	N/A	Not-Maintained	Not-Maintained
3	Kadam Rasul Burial Ground	23	Available	Available	Available	Available	Maintained	Maintained
4	Kesharpur Kabarsthan		Available	N/A	N/A	N/A	Maintained	Maintained
5	Gopalpur	56	N/A	N/A	Available	Available	Maintained	Not-Maintained
6	Khannagar Burial Ground	44	N/A	N/A	Available	Available	Maintained	Maintained
7	Idigha Kabarsthan	7	Available	Available	Available	Available	Maintained	Maintained
8	Gorakabar	9	Available	N/A	Not in good condition	Available	Not-Maintained	Not-Maintained
9	Bandhhachhada	59	N/A	N/A	N/A	N/A	Not-Maintained	Not-Maintained
10	Nuahaat	59	N/A	N/A	Available	N/A	Not-Maintained	Not-Maintained
11	Pratapnagari	58	N/A	N/A	N/A	N/A	Not-Maintained	Not-Maintained
12	Bhanapur	58	N/A	N/A	N/A	N/A	Not-Maintained	Not-Maintained
13	Telengapentha	58	N/A	N/A	N/A	N/A	Not-Maintained	Not-Maintained
14	Sartol	51	Available	N/A	Available	Available	Maintained	Not-Maintained
15	Muktidham, Bidyadharpur	54	Available	N/A	Available	Available	Maintained	Available
16	Kanheipur Smasan	54	N/A	N/A	N/A	N/A	Not-Maintained	N/A
17	Nakei padia Smasana	37	N/A	Available	Available	Available	Maintained	Maintained
18	Jamalbasti Kabarsthan	41	N/A	N/A	N/A	N/A	N/A	N/A
19	Tinapitasahi Kabarsthan	40	N/A	N/A	N/A	N/A	N/A	N/A
20	Chunavati Lane Kabarsyhan	40	N/A	N/A	N/A	N/A	N/A	N/A
21	Kaliabuda Mahasmasan	49	Available	Available	Available	Available	Maintained	Maintained
22	Satichoura Burial Ground	6	Available but water taps are not working properly.	Available	Available	Available but Halogen lights in old condition.	Maintained	Maintained
23	Chauliaganj Smasan	53	Available (One Tube well)	N/A	Available	Available	Maintained	Maintained
24	Kesharpur Kabarsthan	34	Available	Available	Available	Kabar / Burial	Maintained	Maintained



The written instruction of the ADM, Cuttack dated 18.11.2025 is taken on record.

In view of the report furnished, the District Administration as well as CMC authorities shall take necessary steps in the respective crematorium/ graveyard to make all the basic facilities available and conduct periodic inspection and to submit a report to that effect.

This Court expects the Authorities concerned to set up eco-friendly crematoriums in Cuttack City. It is essential to maintain high standards of hygiene and cleanliness in the crematorium in order to avoid both bad odour and risk of infection which also helps in an environmental context. Safety protocols and standards in the cremation process are comprehensive and designed to ensure the integrity of the process and dignity of the deceased and the same should also be followed.

Learned counsel for the CMC has produced the compliance report of the CMC on this issue, which is taken on record.

In the compliance report, it is stated that regarding functioning of Crematoriums and Graveyards in the Cuttack City, CMC is now maintaining 5 nos. of Crematoriums within the CMC area and one crematorium



at Chahata is under renovation.

The name of Crematoriums are as follows:-

- (1) Khannagar crematorium (Gas Chula).
- (2) Khannagar crematorium (Katha Chula).
- (3) Bidanasi crematorium.
- (4) Satichaura crematorium.
- (5) Kalia Boda crematorium.

It is further stated in the compliance report that basic facilities like Water, Toilets, Lighting and Rest Sheds have being provided at the above crematoriums. Sweeping and Cleaning work are being undertaken regularly at the said crematoriums.

While dealing with this issue, it is brought to the notice of this Court that though the Tahasildar, Sadar, Cuttack has given a list of 24 nos. of crematoriums/graveyards, the stand of the CMC is that only five crematoriums/graveyards are under the maintenance of CMC. So far as rest of the crematoriums/graveyards are concerned, concern was raised that it is the responsibility of the District Administration.

It is stated at the Bar that the crematorium/graveyards are in appalling condition notwithstanding the compliance submitted to this Court.

Considering the concern expressed across the Bar, this Court directs that a concerted effort should be



made by the CMC and the District Administration to address the issue.

Let a joint meeting be held by the CMC as well as the District Administration Authorities within a week to take immediate remedial measures so that those who are coming to the crematoriums/graveyards do not face difficulties in conducting the obsequies in their wee hours of grief.

So far as the report of the Tahasildar, Sadar, Cuttack relating to the 24 nos. of crematoriums/graveyards is concerned, learned President and the Secretary, Orissa High Court Bar Association are called upon to request the responsible counsel belonging to their respective wards, whose names have been mentioned in the Advocates' Committee list for visiting those crematoriums/graveyards and submit their response indicating availability/non-availability of the facilities vis-à-vis the report submitted by the ADM, Cuttack.

It is open for the learned Advocates' Committee to seek cooperation of the concerned Corporators.

List this matter on 18.12.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



**NEWS ITEMS PUBLISHED RELATING TO GARBAGE
ISSUE IN BALI YATRA GROUND**

357.
20.11.2025

The learned Advocates Committee placed on record a news item published in the vernacular daily indicating that even after the completion of Bali Yatra, there is no clearance of garbage leading to unhygienic condition. It is also reported in the print media that Bali Yatra fair ground has turned into an ugly space filled with heaps of garbage lying scattered all around. It is dotted with empty food packets, single-use thermocol plates, cups, tarpaulin sheets, polythene bags and plastic bags. Traders and hawkers who had participated in the trade fair have left behind heaps of waste that are yet to be attained to. The area where food stalls had been set up are the worst affected. It is reported in the Times of India that CMC had outsourced the festival's cleaning and sanitation contract to a private agency for Rs.35,00,000/- (rupees thirtyfive lakhs) but it is struggling to manage the massive load of solid waste generated during the nine-day long festival.

Ms. Kirandeep Kaur Sahota, IAS, Commissioner, CMC is present through online and submits that significant manpower is there at their disposal till 27th of this month and she assures this Court that by end of this Month, the entire Bali Yatra grounds



i.e. both upper and lower Yatra ground shall be cleaned and all the garbage will be removed. She further assures that the garbage shall be cleaned by the scheduled date and instruction has already been imparted not to burn the waste on the ground. It is needless to say that such burning causes irreparable health hazards and the same shall be avoided.

It is made clear that if such incident is brought to the notice of this Court, this Court would be constrained to initiate action against the errant officials.

List this matter on 11.12.2025.

On the said date, the CMC shall file a compliance affidavit along with the video footage.

It shall be open for the learned Advocates' Committee to visit the upper Bali Yatra ground as well as the lower Bali Yatra ground and river front after 1st December, 2025 and submit their report as to whether cleanliness as per the assurance given is reflected on the ground or not.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge