



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

27.11.2025

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



S.C.B. MEDICAL COLLEGE AND HOSPITAL ISSUES

INSTALLATION OF DIGITAL DISPLAY BOARDS IN SCBMCH, CUTTACK

358-A.
27.11.2025

When this issue was taken up on 16.10.2025, the Commissioner -cum- Secretary, Family & Welfare Department, Govt. of Odisha appeared through virtual mode and submitted that she would have a joint meeting with the IT, OCAC and other stakeholders and intimate this Court regarding functioning of the digital display boards inside SCBMCH, Cuttack at an earliest. This Court also asked the authorized personnel of OCAC to remain present either virtually or physically.

Learned counsel for the State has produced the written instruction dated 24.11.2025 of the Medical Superintendent, SCBMCH, Cuttack, wherein it is stated that the whole exercise of installation and functioning of the 10 (ten) nos. of Digital Display Boards have been completed. To run the Digital Display Boards, technical personnel are very much essential. In this connection, the DMET, Odisha has been moved vide letter no.24836 dated 28.10.2025 and letter no.25758 dated 07.11.2025 for obtaining financial concurrence. Subsequently, the DMET, Odisha has approached the Govt. in Health & FW Department, Odisha for according concurrence of Finance Department for engagement of 12 (twelve) nos. of



DEOs/Informatic Assistants for functioning of the Digital Display Boards at SCBMCH, Cuttack. However, all the Digital Display Boards have been made functional meanwhile by making local arrangement i.e. engaging the existing staff (Multi Skilled Worker) as a stop-gap arrangement till provision for permanent arrangement is made.

The written instruction dated 24.11.2025 of the Medical Superintendent, SCBMCH, Cuttack is taken on record.

Video clippings regarding availability of essential medicines in Nirayama Centre are played in open Court today and during such display, it is seen that though the names of the medicines are there, but there is no indication regarding the inventory thereof.

Mr. Subrata Mohanty, Deputy General Manager, OCAC appearing through virtual mode submits that for getting information of the stock of medicines in the Digital Display Boards, medicine inventory has to be integrated with the stocks that are available and this Court is informed that steps in this regard have already been initiated by the Health Department with active consultation with Centre for Development of Advanced Computing (C-DAC).



List this matter on 22.01.2026.

Learned counsel for the State shall obtain instruction regarding financial concurrence for engagement of 12 (twelve) nos. of DEOs/Informatic Assistants for functioning of the Digital Display Boards at SCBMCH, Cuttack. He shall also obtain instruction regarding the development made in respect of the inventory stock of medicines and apprise this Court.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

OPEN HEART SURGERY IN DEPARTMENT OF CTVS

358-B.
27.11.2025

During previous deliberation on 16.10.2025, Prof. Satpathy, Superintendent, SCBMCH, Cuttack filed an affidavit dated 15.10.2025 on this issue highlighting various remedial measures in order to improve better health care in the hospital. After perusal of the affidavit, the learned members of the Advocates' Committee stated that no time limit was mentioned in the said affidavit as to when all the aforesaid protocols would be made ready to be followed for improving better health care in the hospital. Prof. Satpathy appearing through



virtual mode on 16.10.2025 assured this Court that on the next date, he would be in a position to apprise regarding development made in this respect.

The Commissioner -cum- Secretary, Family & Welfare Department, Govt. of Odisha appeared through virtual mode on 16.10.2025 and filed an affidavit dated 15.10.2025, wherein she stated that steps shall be taken to engage more Faculties and Senior Residents on contractual or regular mode with appropriate remuneration so that there would be no dislocation and let up in the patient care so far as open heart surgery is concerned. She also intimated this Court that in the meanwhile, matter has been taken up with All India Institute Of Medical Sciences, New Delhi and Govt. Medical College, Kottayam, which is in the Govt. sector. She has further intimated that both of the aforesaid institutions got excellent track record and that they have assured that they would depute team(s) which would guide the Surgeons at SCBMCH, Cuttack so that concerted effort can be made to reduce the mortality rates which, at this stage is alarming. This Court directed to place on record the steps taken in this regard.

Learned counsel for the State has produced the written instruction dated 24.11.2025 of the Medical Superintendent, SCBMCH, Cuttack, wherein it is stated that in the meanwhile, a developed protocol has been



devised to deal with open heart surgeries in the CTVS Department. A copy of the "Policy and Procedure on Open Heart Surgeries" communicated by the Prof & HoD, CTVS, SCBMCH, Cuttack vide letter no.572 dated 24.11.2025 has been annexed to the written instruction as Annexure-A.

In the said policy/SoP, it is stated that the Department of CTVS, SCBMCH would strive to focus on the following key areas; such as identification and diagnosis of heart diseases, appropriate treatment plans, medical intervention and surgical intervention including all types of open heart surgeries.

This SoP provides a standardized guideline for the management of patients undergoing open heart surgery (e.g. CABG, Valve Replacement/Repair, ASD/VSD closure) in the Cardiothoracic and Vascular Surgery (CTVS Department).

The post-operative management (CTVS ICU) in the stabilization phase, intermediate phase and discharge planning has also been stated therein.

The learned counsel for the State has produced the office letter no.HFW-MEI-CASE-0040-2024/30054/H. Dated 14.10.2025 of the Govt. of Odisha, Health & Family Welfare Department addressed to the Director, AIIMS, New Delhi, wherein it is indicated that SCBMCH, Cuttack has an established department of Cardiothoracic



and Vascular Surgery (CTVS), which conducts both open and closed heart surgeries. Due to retirement of faculty members and shortage of CTVS Surgeons in the State, there is a pressing need to enhance the technical expertise of the existing team. With a view to strengthening the CTVS Department in the greater interest of the State, cooperation was sought for in providing hands-on training and practical guidance to the faculty members, nursing personnel and other paramedical staffs for improving their skills and confidence in performing cardiac surgeries. In the said letter, necessary permission has been sought for to send the faculty members and staff for a seven-day exposure visit and hands-on training in the CTVS Department at AIIMS, New Delhi. Request has also been made to send an expert from the CTVS Department of AIIMS to visit SCBMCH to provide guidance on equipping the operation theatre and ICU with appropriate modern instruments and technology to achieve optimal surgical outcomes.

The learned counsel for the State has not produced any communication that has been made by the Govt. of Odisha, Health & Family Welfare Department to Govt. Medical College, Kottayam, which is in the Govt. sector to depute team(s) to guide the Surgeons at SCBMCH, Cuttack.



Responding to the query of this Court as to whether any reply has been received by the Govt. from AIIMS, New Delhi and Govt. Medical College, Kottayam to depute experts to SCBMCH to guide Surgeons, learned counsel for the State has produced a letter dated 26.11.2025 of the Deputy Secretary to Govt., Health & Family Welfare Department, wherein it is stated that the Health & Family Welfare Department is substantially pre-occupied over the forthcoming visit of the Hon'ble President to our State and ensuing Legislative Assembly Session. It is further stated in the letter that in view of these exceptional commitments, it would be difficult to finalize and forward the reports as sought for by this Court and therefore request has been made for grant of two weeks' time to enable them to prepare and submit the required documents after due consideration.

The said letter dated 26.11.2025 is taken on record.

Prof. (Dr.). M.K. Pattnaik, Prof. & HOD, Department of CTVS, SCBMCH, Cuttack, who has joined the proceeding on virtual mode states that the Health Secretary, Govt. of Odisha visited the Department on 24.10.2025 and thereafter imparted necessary instructions to ensure that the mortality rate, which was alarming can be brought down. He states that steps in this regard were taken, as a result of which the mortality



rate, which was 31% up to August, 2025 has come down to 17% upto October, 2025 and out of 29 open heart surgeries conducted in the month of September & October, 2025, five deaths have taken place unfortunately.

During course of deliberation with Prof. (Dr.) M.K. Pattnaik, it came to light that all-India average of mortality in institutes of similar nature is about 7%. This Court hopes that steps shall be taken at least to bring down the mortality rate to 7% if not to make an endeavour to improve it and make it even less.

In this context, a memo no.419 dated 10.09.2025 of Prof. Dr. Pattnaik, Department of CTVS, SCBMCH, Cuttack addressed to the Professor & HoD, Department of Anesthesiology, SCBMCH, Cuttack was placed on record by the learned Members of the Advocates' Committee along with a letter of the Medical Superintendent, SCBMCH, Cuttack addressed to the Director of Medical Education and Training, Odisha dated 12.09.2025, which is also taken on record.

On perusal of the letter dated 10.09.2025, it can be seen that the Prof. & HoD of CTVS Department has expressed concern that because of lack of qualified cardiac anesthesia faculty to manage open heart surgeries cases in CTVS Department and lack of full time Anesthesia resident in Department of CTVS, "there has



been unavoidable peri-operative complication leading to increase mortality”.

It is further seen that the Medical Superintendent, SCBMCH, Cuttack issued a letter dated 12.09.2025 addressed to the Director of Medical Education & Training, Odisha regarding regular posting of qualified cardiac anaesthesia faculty and round the clock posting of Anaesthesia resident of CTVS Department.

Learned counsel for the State, who has been served with the copy of these letters, is requested to apprise this Court regarding the development made in this regard.

A cardiac anaesthesia specialist is vital for open heart surgery as he manages the patient’s psychological stability and collaborate with the surgical team to ensure the best possible outcome. He provides specialized anaesthesia, expertly monitor the heart and organs and use techniques like Transesophageal Echocardiography (TEE) to guide the surgery, which helps reduce pain, prevent complications and optimize recovery.

Similarly, the hands of a Surgeon in open heart surgery are a focal point of precision, skill and care, using surgical instruments to perform delicate procedures. The Surgeon’s hands must be incredibly steady and precise for manipulating small surgical



instrument and performing intricate task like suturing the heart. The Surgeon's hands are part of a coordinated team, whose other hands, including those of assistants and nurses, work to ensure the success of the operation. The role requires immense concentration, fine motor control and physical stamina.

This Court is hopeful that all the Surgeons who are conducting the open heart surgeries in CTVS Department of SCBMCH are skillful and they are taking all care while performing delicate procedures and their hands are incredibly steady. This Court is also hopeful that the posting of qualified cardiac anaesthesia faculty to manage open heart surgery cases in CTVS Department would be sorted out at an earliest by the Govt.

List this matter on 11.12.2025. On the said date, the Commissioner -cum- Health Secretary, Health & Family Welfare Department shall apprise this Court about the steps taken to engage more faculties and Senior Residents on contractual or regular mode with appropriate remuneration for not causing any dislocation and let up in the patient care so far as open heart surgery is concerned.

The response of the AIIMS, New Delhi so also Govt. Medical College, Kottayam shall also be placed on record on the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



NON-SUPPLY OF EQUIPMENTS AND INSTRUMENTS

358-C.
27.11.2025

When this issue was taken up on 16.10.2025, the Commissioner -cum- Secretary, Family & Welfare Department, Govt. of Odisha filed an affidavit dated 15.10.2025 and the General Manager (Equipment), OSMCL filed an affidavit dated 14.10.2025 regarding this issue but both the affidavits were conspicuously silent about how the system handles emergency situation and therefore, this Court directed the MD, OSMCL to explore the possibility of adopting an expedited process of procurement in case of an emergency. Such expedited process to be adopted in case of an emergency be placed before the Court on the next date.

It appears that even though more than one month time was granted to the MD, OSMCL to explore the possibility of adopting an expedited process of procurement in case of an emergency, Mr. Soumik Spandan Tripathy, learned counsel appearing on behalf of OSMCL seeks further time and submits that by the next date, he will file an comprehensive affidavit indicating the steps envisaged to deal with such emergent procurement.

List this matter on 11.11.2025.

On such date, the MD, OSMCL shall remain present either virtually or in person. The affidavit as directed be filed by 08.12.2025 after serving a copy



thereof on the learned Members of the Advocates' Committee.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

LACK OF NIGHT SHELTER FOR RELATIVES OF PATIENTS IN SCBMCH, CUTTACK

358-D.
27.11.2025

When this issue was taken up on 30.10.2025, the Secretary, High Court of Orissa filed a memo along with a news item published in the vernacular Odia daily highlighting the difficulties faced by the relatives of the patients coming to SCBMCH, Cuttack.

Learned counsel for the State took time to obtain instruction on this issue.

Learned counsel for the State has produced the written instruction dated 26.11.2025 of the Registrar (Administration), SCBMCH, Cuttack relating to this issue, which is taken on record.

In the said written instruction, it is stated that the SCBMCH, Cuttack is a premier hospital and tertiary centre where approximately 6,000 patients (out patients) come for medical consultation not only within the state



but from the neighbouring States and no one is denied medical services. Similarly, around 400-500 patients get admitted to the hospital as indoor patients. The patients are accompanied with attendants. The hospital administrations have constructed 9 nos. of patient attendant rest rooms in different departments with toilet, drinking water, mobile charging facilities for the convenience of attendants. The details of the patient attendant rest rooms at different location are given below:

Sl. No.	Location	Capacity
1	Near Super Speciality OPD & Non-Trauma Casualty	200
2	In front of Surgery OPD	100
3	Beside New Medicine Building	200
4	Beside Respiratory Medicine	100
5	Beside Old Medicine Building	200
6	Beside Orthopedics Department	70
7	Inside O & G Campus	70
8	Inside Dept. of Cardiology	50
9	In front of DM Pulmonary Medicine	50
	Total	1040

It is further stated in the written instruction that pursuant to the directives of this Court, CCTV facilities have also been made to minimize the possibilities of any mishap. The Security Agency has also been instructed vide office letter No.24940 dated



29.10.2025 to intensify the security services inside the medical campus to reduce the viability of unfortunate occurrence/setback failing which stringent action including recovery of pecuniary loss will be taken against the agency. A copy of letter No.24940 dated 29.10.2025 has been annexed to the letter as Annexure-B.

It is further stated in the written instruction that the hospital authority is duty bound to provide facilities to the patients and their attendants without hampering the academic aspect of medical students. Hence, keeping in view the increasing flow of patients, space constraint and smooth management of patient care as well as medical education, necessary steps will be taken to address the issues by holding discussion with all the stake holders as per its feasibility.

The video clippings of the attendant rest room inside the campus of SCBMCH were played.

During deliberation, it came to light that though there are vacant places to adjust the attendants in one of the nine locations, yet they are left to the vagaries of nature. Steps in this regard shall be taken, if possible, by making announcement to inform the attendants regarding availability of the patient rest sheds and necessary assistance in this regard shall be provided.

List this matter on 08.01.2026.



Learned counsel for the State shall place on record the steps taken in this regard.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

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

MOVEMENT OF VEHICLES INSIDE SISHU BHAWAN

359.
27.11.2025

When this issue was taken up on 16.10.2025, concern was raised regarding the movement of vehicles inside Sishu Bhawan after the new gate became operational and the Superintendent, SVPPGIP intimated that tender would be floated to procure suitable battery operated vehicles keeping in view the special needs to facilitate the movements of the patients from the designated place to the different departments. He assured that he would also take necessary follow up action in right earnest seeking support of Corporate Sector so that the battery operated vehicles which are essential for the patient's movement are provided without any further delay and without waiting for the tender process to be finalized.



Learned counsel for the State has produced the letter no.6403//SVPPGIP, Cuttack dated 22.11.2025 of the Superintendent, SVPPGIP, Cuttack addressed to the Chairman -cum- Director (HR), Mahanadi Coalfield Limited, Jagriti Vihar, Burla, Sambalpur, wherein the relevant paragraphs read as under:

“The patients attending this hospital range from newborns, infants, toddlers, school going and grown up children. The Institution has facilities of various specialized pediatric departments and super specialty departments like pediatric surgery with modern clinical wards and intensive care units (ICU) for neonates and children.

It is a premier Institution that offers specialized pediatric degree, such as the MD (Pediatrics) with annual intake of 24 resident doctors and Postdoctoral Superspeciality course like M.Ch. Pediatric Surgery with 6 seats per year affiliated to SCB Medical College, Cuttack. This hospital is presently operating with 846 sanctioned beds including 140 beds for ICU facility, 227 beds for new born care, 48 beds for SNCU, 259 beds in Pediatrics, 30 beds for Pediatric Nephrology, 26 beds for Pediatric Infectious diseases, 60 beds for Pediatric Surgery, 10 beds for NRC and 50 beds for Pediatric Emergency Medicine. It has infrastructural provision for installation of



all modern diagnostic and therapeutic equipments for all-round in-house patient management. The new addition of 150 capacity, G+6 Resident doctors' hostel is a dedicated residential facility for residents and training doctors within the campus which will greatly enhance the service delivery to patients along with better capacity building and training environment for doctors.

As part of ongoing efforts to enhance patient care and improve hospital mobility, the SVPPGIP is in need of at least 6 nos. of 8 seated battery-operated passenger vehicles for the smooth transportation of patients, attendants, staff, and differently-abled persons within the hospital premises.

The proposed vehicle will help in ensuring easy and eco-friendly movement across various departments of the hospital, particularly benefiting patients with limited mobility. Considering the MCL commendable contribution to community welfare through Corporate Social Responsibility (CSR) initiatives, the Superintendent, SVPPGIP, Cuttack sincerely request for cooperation & consideration to support the provision of six battery-operated passenger vehicles under your CSR program for SVPPGIP, Cuttack.

This Court also asked the Superintendent, SVPPGIP, Cuttack to take



initiative to seek the support of the Corporate Sector to provide such vehicles through their CSR activities.

This initiative will not only promote a greener and cleaner hospital environment but also strengthen the hospital's capacity to provide compassionate and efficient patient services."

The written instruction dated 22.11.2025 of the Superintendent, SVPPGIP, Cuttack is taken on record.

Similarly, learned counsel for the State has also produced another letter no.6406//SVPPGIP, Cuttack dated 22.11.2025 of the Superintendent, SVPPGIP, Cuttack addressed to the Director (HR), NALCO Bhawan, Nayapalli, Bhubaneswar, wherein similar request has been made to support the provision of six battery-operated passenger vehicles under CSR programme for SVPPGIP, Cuttack.

The written instruction dated 22.11.2025 of the Superintendent, SVPPGIP, Cuttack is also taken on record.

Learned counsel for the State has also produced another letter no.6378//SVPPGIP, Cuttack dated 21.11.2025 of the Superintendent, SVPPGIP, Cuttack addressed to the Director of Medical Education and Training, Odisha seeking necessary instruction with



permission to float the tender for at least 2 (two) nos. of battery operated vehicles including driver and all maintenance cost, which will be approximately Rs.80,000/- to 1,00,000/- for each vehicle per month for getting service through 3rd party. The said letter is taken on record.

Mr. Manoj Kumar Mishra, learned Senior Advocate, President, OHCBA, who is also the counsel representing NALCO and Mr. Rakesh Sharma, who is the counsel representing the Mahanadi Coalfield Limited assured this Court to take necessary instruction in the matter so that battery-operated passenger vehicles can be made available in Sishu Bhawan through CSR initiatives of the respective organizations.

List this matter on 08.01.2026.

The Superintendent, SVPPGIP, Cuttack shall apprise this Court about the response, if any, received from the MCL authorities so also NALCO authorities.

Learned counsel for the State shall also apprise this Court about the status of tender by the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



CMC ROAD SURVEY

360.
27.11.2025

The abstract of road survey report of the roads under C.M.C. control was submitted to this Court by learned counsel for C.M.C., Mr. Nayak. The same is taken on record. As noted in the earlier order of this Court, the JEs and Assistant Engineers, who are in-charge of the respective wards have submitted such survey and indicated the total length of roads and also the length of the damaged roads. Such survey has been conducted in the presence of the learned members of the Advocates' Committee designated for each ward. From the data submitted, it is seen that the total length of roads in all the 59 wards is 550263.77 meters out of which total length of damaged roads is 137332.50. It is said that the process for preparing the estimate for carrying out the repair work is underway and after following due procedure, the same shall be placed before the Commissioner, C.M.C for administrative sanction. Thereafter, the matter shall be considered by the Works Standing Committee and will be finally placed before the C.M.C. counsel for approval of estimates. Thereafter, the tender will be floated.

Considering the above process, it is stated that tentatively it will take one more month to prepare the financial estimate for administrative approval.



Steps taken in this regard be filed by way of affidavit by 05.01.2026.

List this matter on 08.01.2026.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**STATUS OF ROAD WORKS UNDERTAKEN BY THE
CMC AMOUNTING TO RS. 2 LAKHS OR LESS**

361.
27.11.2025

The C.M.C. was directed *vide* order No.337-A dated 09.10.2025 to file an affidavit, *inter alia*, relating to road works amounting to Rs. 2 lakh rupees or less in value. For convenience of ready reference, the relevant paragraph of the said Order is culled out hereunder:

"The affidavit shall also state, for the period between 1st January 2025 to 30th September 2025, in every ward, how many road works amounting to Rs.2 Lakhs or less in value, if any, were initiated for roads in that ward and whether such road works of Rs 2 Lakhs or less in value were initiated for a single road or a for a section of such road. If separate road works, each amounting to Rs.2 Lakhs or less in value have been initiated for a single road, then the affidavit must explain the rationale for doing so "



Since the affidavit in this regard has not been filed, considering the submission of the learned counsel for the CMC seeking an adjournment in this regard, let the affidavit in terms of the earlier order relating to the paragraph extracted hereinabove be filed on or before 10.12.2025.

Accordingly, list this matter on 18.12.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

ROADS UNDER NHAI

362.
27.11.2025

Mr. Suraj Kumar Singh, Project Director, National Highways Authority of India, PIU-Bhubaneswar has filed an affidavit dated 27.11.2025, which is taken on record.

For convenience, the relevant paragraphs are extracted hereunder:

"2.Upon receipt of the Orders of the Hon'ble Court, this Office immediately initiated necessary action to review the condition of the aforementioned road sections, assess the extent of damage, and determine the repairs urgently required, to ensure safe and unobstructed passage for the travelling public.



3. That, it is further submitted that, subsequently, the officials of the National Highways Authority of India (NHAI) inspected the location and carried out a detailed assessment of the service road, as well as the main-carriageway. During the inspection, it was observed that some rough patches had developed on the service road. These defects were primarily the result of damage sustained during the last monsoon season and due to some undulation due to pothole repairs at multiple locations, wherein prolonged rainfall and water stagnation had adversely affected the road surface.

4. That, in order to ensure the smooth flow of traffic and to maintain the riding quality of the project highway, patch repairs and routine maintenance activities, including pothole repairs, were carried out during the monsoon season.

However, owing to weather conditions and technical constraints, it was not feasible to undertake major rehabilitation works such as overlay during this period. Therefore, only temporary and safety-oriented measures could be executed at that time.

5. That, it is humbly submitted that, in strict compliance with the directions of this Hon'ble Court, the National Highways Authority of India (NHAI) initiated major



repair works immediately after the conclusion of the monsoon period. These works include, inter alia, the overlaying of the entire affected stretches to ensure long-term durability and safe riding conditions. The NHAI has undertaken these activities without delay and has deployed the required machinery, skilled manpower and technical resources to ensure timely & effective completion of the repair works.

6. That, it is submitted that, despite the heavy and continuous flow of traffic on both stretches especially during peak hours. We adopted a planned execution strategy, including traffic regulation measures, barricading, and phased working patterns to avoid inconvenience to the general public.

Traffic police and field staff were also deployed wherever necessary to ensure smooth movement of vehicles.

7. That, it may kindly be noted that, the repair works undertaken included :

- i) Removal of damaged surface layers by milling;
- ii) Patching of potholes and depressions;
- iii) Strengthening of the base course where required;



iv) Laying of bituminous layers to achieve proper levelling;

v) Consolidation and finishing to provide a uniform and smooth riding surface.

8. That, pursuant to the directions of this Hon'ble Court, it has further been emphasized that, all repair and overlay works shall be executed and completed strictly in accordance with the quality standards, technical specifications, and procedural guidelines prescribed by the Indian Roads Congress (IRC) and the Ministry of Road Transport and Highways (MoRTH). NHA I has ensured that every stage of the repair and overlay works conforms to these established norms, thereby maintaining durability, safety, and full compliance with national highway construction standards.

No deviation from the approved specifications has been permitted, and all works have been carried out in adherence to the requisite quality parameters.

9. That, it is humbly submitted that, this office is diligently monitoring the repair activities on a continuous basis to ensure full and faithful compliance with the directions issued by the Hon'ble High Court. Regular site inspections, technical evaluations, and progress assessments are being carried out by the engineering



staff of this office. These monitoring efforts focus on verifying the quality of materials, adequacy of deployed machinery and manpower, adherence to IRC/MoRTH guidelines, and the timely completion of the work. Through this systematic oversight, this office is ensuring that all required works are being carried out properly, efficiently, and in strict observance of the orders of this Hon'ble Court.

10. That, it is humbly submitted that, utmost care was exercised during the execution of the repair and strengthening works to ensure durability, structural stability, and proper riding quality in accordance with national highway construction and maintenance norms.

11. That, it is further submitted that, the repair and strengthening works on both the service road and the main carriageway have now been substantially completed, and the road surface has been restored to a condition fit for safe vehicular movement. The improved riding quality is evident as traffic is currently plying on the stretches in a safe, smooth, and reliable manner.

12. That, in compliance with the directions of this Hon'ble Court, photographic documentation of the completed work, at both locations, has



been prepared and is being submitted along with this Affidavit, for the kind perusal of the Hon'ble Court.

The photographs of the approach road near Balikuda, including the stretch beyond the underpass up to the Traffic Square are enclosed hereto as Annexure - 'A'. The photographs of the stretch between Madhupatana and OMP Square, Cuttack are enclosed hereto as Annexure - 'B'.

The enclosed photographs clearly demonstrate that the directions of this Hon'ble High Court have been duly complied with and that the repaired stretches are now suitable for uninterrupted and safe vehicular movement."

In view of such affidavit filed, no further order needs to be passed at this stage.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



KRUSHAKA BAZAR

363.
27.11.2025

During the course of hearing, issue relating to sanitation and hygiene of Krushaka Bazar came to the fore.

The report submitted by Mr. Bibhutibhusan Choudhary learned counsel and member of the Advocates' Committee is taken on record and copy thereof has been served on learned counsel for the CMC, Mr. Nayak.

Mr. S.B. Mohanty, learned counsel for the Regulated Market Committee (RMC), Kendupatana files an affidavit on behalf of the Secretary, RMC. The same is also taken on record.

Concern was expressed that in spite of the direction of this Court, Krushaka Bazar and its surrounding areas continue to be unhygienic. The garbage accumulating in the area is also not regularly lifted by the CMC.

The Additional Commissioner of CMC as well as the Deputy Commissioner (Sanitation) joined the proceeding on virtual mode. The Deputy Commissioner (Sanitation) stated that so far as the issue relating to providing basic amenities such as toilet and drinking water are concerned, it is the duty of the RMC to maintain cleanliness, since RMC is collecting user fees.

But, so far as removal of garbage is concerned,



it is stated that directions have been given to remove the garbage from the designated identified spot inside Krushaka Bazar.

The same was refuted by the learned counsel for the RMC, Mr. Mohanty. Mr. Choudhary, learned member of the Advocates' Committee also supported the stand that garbage is not being cleared on regular basis. Reliance was placed on the photographs which have also been taken on record.

The photographs handed over to this Court indicate that heaps of garbage are lying in the Krushaka Bazar area.

During the course of hearing, learned counsel for the RMC submits that out of the major issues for the prevailing unhygienic condition in the Krushaka Bazar area is on account of encroachments on the drains.

The recitals in the affidavit filed by the RMC is extracted hereunder;

"8. That, water logging in the Krushak Bazaar area is a major issue which has not yet been resolved by this CMC authorities. The drain which has been initially constructed by CMC Authorities from the north side of Krushak Bazaar is blocked in the municipal area by the encroachers constructing shop rooms over the drain towards south side of the Krushak Bazaar. Due to this illegal encroachment, there is frequent water logging in Krushak Bazaar



Area during rainy season as such as there is no smooth flowing of drain water from Krushak Bazaar to. In view of such illegal encroachment, CMC authorities should be directed to evict the encroachers and free the drain for smooth flowing of water form Krushak Bazaar to for resolving the water logging issue by renovating the drain. The deponent in this regard vide letter No.84 dtd.18.11.2025 has requested Deputy Commissioner (Sanitation), Cuttack Municipal Corporation to do the needful for renovation of drainage system.”

Considering the nature of the grievance and to address the same in an effective manner, the City Engineer is directed to submit a report regarding the state of the drains in and around the vicinity of the Krushaka Bazar and also the nature of the encroachments as alleged. The report in this regard be submitted by 15.12.2025.

As regards sanitation of Krushaka Bazar, considering the magnitude of cleaning activity in the light of the footfall in Krushaka Bazar taking into account the stand of the RMC that it will bear the expenditure on the said count this Court directs that the CMC shall extend its sanitation service w.e.f. 01.12.2025 for upkeep of the Krushaka Bazar at par with Urban Hat.

It is needless to state that the CMC shall deploy adequate manpower and resources in tune with



the communication of the CMC dated 21.11.2025 of the Deputy Commissioner CMC addressed to Secretary Krushaka Bazar RMC Kendupatana. The relevant paragraphs in the said communication relating to the sanitation is extracted hereunder;

“1.Issues relating Sanitation:

During the field visit, it was observed that only four (04) nos. of sanitation staff are currently deployed for cleaning the entire market premises, which appears to inadequate; considering the area and daily footfall in the market. To ensure effective and continuous sanitation management, it is recommended to engage additionally four (04) sanitation staff along with one supervisor. Engagement may preferably be made through a professional service providing agency for better accountability and performance. It is further suggested that sanitation activities be carried out in shifts with monitoring at every two-hour intervals like Urban Hat. The Secretary, RMC, is requested to take immediate necessary action for strengthening the sanitation workforce. It is also discussed, that the garbage is to be deposited at a designated point, from where the CMC will collect it on daily basis.

Besides, sufficient numbers of dustbins are to be provisioned by the RMC for better waste management. Vegetable vendors



are to be instructed to strictly use dustbins in their shops.”

List this matter on 18.12.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

ISSUE RELATING TO NOISE POLLUTION IN MARRIAGE PROCESSIONS & FUNCTION HALLS

364.
27.11.2025

During today’s deliberation, the members of the Bar raised alarm relating to noise pollution in the function halls and during marriage processions.

It is alleged that violating the norms relating to the decibel levels music is being played at a very high volume during the marriage processions and functions in the marriage Mandapas. Particularly concern was raised relating to some Mandapas in Deula Sahi area.

It is stated at the Bar that because of such violation(s) by some Mandapas people who are living in and around the area, more particularly senior citizens and the children who are preparing for the exams are facing immense difficulties.

The DCP, Shri Khilari Rishikesh Dnyandeo, IPS, who joined the proceeding in virtual mode, stated that



necessary instructions have been imparted to regulate the function(s) relating to marriages. And, assured this Court that monitoring will be intensified so that there is no noise pollution. The time limit and other norms as set for the processions, music programmes etc. are strictly adhered to.

Steps taken in this regard shall be apprised to this Court by way of affidavit by the next date.

List this matter on 18.12.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge