



IN THE HIGH COURT OF ORISSA AT CUTTACK

SUO MOTU W.P.(C) PIL No.2140 of 2020

Registrar (Judicial),

Orissa High Court, Cuttack Petitioner

Er. N.K. Mohanty, Amicus Curiae

-versus-

State of Odisha & others Opp. Parties

*Mr. Jyoti Prakash Patnaik,
Government Advocate*

*Mr. Debasis Nayak-A, Addl.
Govt. Advocate & Advocate for
CMC*

*Mr. Bijay Kumar Dash, Advocate
President of Orissa High Court
Bar Association*

*Mr. Dayananda Mohapatra,
Advocate for C.D.A.*

CORAM:

JUSTICE S.K. SAHOO

JUSTICE V. NARASINGH

ORDER

12.09.2024

Order No.

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



**REMOVAL OF ENCROACHMENT OVER FOOTPATHS,
STREET AND PAVEMENTS**

150.
12.09.2024

As per order no.128 dated 29.08.2024, we directed the I.I.C., Chauliaganj police station to file an affidavit that he is taking all possible steps to see that there would be no re-encroachment over the encroachment-free area (s) from O.M.P. square to Nuabazar and that regular monitoring is being carried out to maintain the same.

Mr. Pattnaik, learned Government Advocate submits that the affidavit of the I.I.C. will be filed by next date.

In the affidavit to be filed by I.I.C., Chauliaganj police station, it shall be specifically indicated whether there has been any re-encroachment over the encroachment-free area made by C.M.C. authorities or not.

Let similar affidavits be filed by the Inspectors in-charge of Madhupatna police station and Badambadi police station in respect of the area (s) i.e. from Link Road to Badambadi by the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



CONDITION OF ROADS AND OTHER CIVIC AMINITIES

151.
12.09.2024

As per order no.148 dated 05.09.2024, learned nominated Advocates as per the list submitted by the learned President of the High Court Bar Association were required to submit a note regarding the conditions of roads and other civic amenities in their respective wards to the President of the High Court Bar Association by 09.09.2024.

Mr. Bijay Kumar Dash, learned President submitted the data obtained from 15 wards with photographs (i.e. Ward Nos.3, 5, 6, 7, 17, 18, 20, 24, 27, 29, 33, 36, 37, 45 and 52). He has also filed a memo with paper clippings relating to the road conditions of different wards, which are taken on record. The copies of the documents are handed over to Mr. Debasis Nayak-A, learned counsel for the C.M.C.

As per our previous order, Mr. Anam Charan Patra, Addl. Commissioner in-charge of Commissioner, C.M.C. appeared through virtual mode and Mr. Prabhas Majhi, Superintendent Engineer, R & B Department, Govt. of Odisha is also present in Court.

When we put pertinent questions to Mr. Patra



and Mr. Majhi as to the reasons for which the roads of Cuttack City are getting frequently damaged within a short interval after it is constructed/ repaired, whether there is any guarantee period for such civil work in the agreement, whether there are authorities for checking the repair works as per standard norms, whether there is any provision to take action against the contractors whose works are found to be sub-standard and the repaired roads got damaged within the guarantee period, it was told to us that there are suitable provisions in that respect. Let an affidavit to that effect be filed. In the affidavit, it shall be specifically mentioned in how many cases, action has been taken against the erring contractors for executing sub-standard road works. The Superintendent Engineer, R & B Department, Govt. of Odisha shall file affidavit in respect of the main roads and the City Engineer, C.M.C. shall file affidavit for the arterial roads.

The authorities concerned shall take immediate steps for repairing the damaged roads in the aforesaid 15 wards and submit the progress report with the affidavit to be filed.

In respect of other wards, Mr. Bijay Kumar Dash, learned President of the Orissa High Court Bar Association has assured to collect the list relating to



the condition of roads and other civic amenities within a week and hand over the same to Mr. Debasis Nayak-A, learned counsel for the C.M.C., who in turn shall forward the same to the C.M.C. authorities to take necessary steps for addressing the issues immediately.

Apart from the road works, the authorities shall also address the problems relating to the other civic amenities particularly street lights, repairing of potholes, sanitation issues, waste disposal, covering of drains by concrete slabs, sweeping of streets at regular intervals, clearing growth of vegetation which provides an ideal breeding ground for mosquitoes.

List this matter on 26.09.2024. The Secretary, Works shall join through virtual mode.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

CONTROL OF NOISE POLLUTION DURING FESTIVE SEASON

152.
12.09.2024

Noise pollution is a common issue during festivals and can have a number of negative effects on people and the environment. It creates health issues, sleep disturbances and stress and it also affects the



academic performances of the students. The learned Members of the Bar expressed serious concern over the lack of effective steps being taken by the authorities to prevent loud music being played during festive seasons in different puja mandaps, cultural programmes, immersion procession etc. Festivals are an essential part of our cultural fabric and each one should enjoy it without compromising the well being of others. It is vital to address the issue of sound pollution during festivals by advocating for responsible celebrations, using protective measures and spreading awareness about the consequences of excessive noise and thereby we can strike a balance between celebrating the traditions and preventing the deterioration of health of citizens and the environment. The spirit of festival should not be drowned in the sea of sound.

Let the D.C.P., Cuttack file an affidavit by next date regarding the preventive steps to be taken during the upcoming festive days for tackling sound pollution.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



**CONSTRUCTION OF HUGE MANDAP PANDALS
ON PUBLIC ROADS, FOOTPATH AND ERECTION
OF ELECTRIC GATES AND DECORATIONS**

153.
12.09.2024

The learned Members of the Bar expressed concern over the safety of the citizens in view of the construction of huge puja mandap gates and pandals on the public roads and footpaths and erection of electric gates without any proper safety measures. There are instances of stampede, massive fire and collapse of puja pandal.

Let the D.C.P., Cuttack file an affidavit indicating whether there is any guideline on the above aspects, whether prior permission is taken for such construction and what safety measures are taken by each puja committee and whether no objection certificates are issued by taking into account all the safety measures.

The Fire Officer of Cuttack shall also file an affidavit indicating the instructions given, if any, to all the puja committees to adhere to the fire safety as lakhs of revelers throng the pandals and their lives cannot be risked.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



TRAFFIC MANAGEMENT IN FESTIVE DAYS

154.
12.09.2024

The D.C.P., Cuttack shall file an affidavit regarding the steps to be taken for traffic management in the upcoming festive days and providing of parking spaces for keeping vehicles near puja mandaps.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

CHECKING THE SALE OF ADULTERATED FOOD

155.
12.09.2024

The Health Officer, C.M.C. shall file an affidavit regarding steps to be taken to prevent sale of adulterated food either in the streets or in the shops, restaurants and hotels in the Cuttack City during festive season, steps to be taken for public awareness not to consume such adulterated food and how to monitor and enforce food safety and standard regulation.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge



NEWS PUBLISHED IN THE LOCAL ODIA DAILY NEWSPAPER DATED 12.09.2024 UNDER THE HEADING OF "TALADANDA CANAL PARSWARE ALIA GADA"

156.
12.09.2024

A news item has been published today in the local odia daily newspaper under the heading of "TALADANDA CANAL PARSWARE ALIA GADA" which indicates that C.M.C. authorities are dumping garbage collected from different wards on daily basis on the stretch from Jobra to Nayabazar, more particularly near Ranihat Medical Road, Professor Pada, Chatrabazar Urban Hat, in front of Matrubhawan, Chauliaganj and Nayabazar adjacent to Taladanda Canal and it is polluting the environment of the localities. There has already been previous direction of this Bench in that respect to clear the garbage and construction waste.

The Addl. Commissioner, in-charge of Commissioner, C.M.C. Mr. Anam Charan Patra has assured to take steps immediately to clear the garbage and construction waste.

Let the C.M.C. authorities take steps within 72 hours to clear all the garbage and construction waste stacked by both the side of Taladanda Canal road from Jobra to Nayabazar. The C.M.C. officials shall also ensure that no garbage and construction waste



are dumped on the stretch after it is cleared.

Mr. Bijay Kumar Dash, learned President of Orissa High Court Bar Association shall send the members of the Advocates' Committee to visit the said road on 16.09.2024 and submit a report on the next date regarding the steps taken by the C.M.C. authorities in that regard. The learned Amicus Curiae Er. N.K. Mohanty shall accompany the team. The Addl. Commissioner shall depute some responsible officers of the C.M.C. along with the City Engineer to accompany the Advocates' Committee on the date fixed. The D.C.P., Cuttack shall provide necessary security for the visit of the Advocates' Committee for performing their assigned work smoothly. The City Engineer shall file an affidavit regarding clearance of garbage and construction waste on that road by the next date.

List this matter on 26.09.2024.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge