

# Registrar (Judicial) vs State Of Odisha & Others .... Opp. ... on 26 September, 2024

**Bench: S.K. Sahoo, V. Narasingh**

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

CORAM:

JUSTICE S.K. SAHOO  
JUSTICE V. NARASINGH

ORDER

Order No. 26.09.2024

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

## NODAL OFFICERS FOR THE COURT

170. To ensure effective implementation of the 26.09.2024 orders/directions passed by this Bench, Registrar (General) of this Court shall act as 'Nodal Officer' and Deputy Registrar (Protocol) of this Court shall assist the Nodal Officer. They shall ensure collection of reports from different authorities who are dealing with the civic issues of Cuttack City, scrutinize the same, get clarifications and further information whenever necessary and submit the report to this Bench containing a summary of information so collected on the date fixed.

(S.K. Sahoo) Judge (V. Narasingh) Judge CONDITION OF ROADS AND OTHER CIVIC AMENITIES

171. 26.09.2024 As per order no.151 dated 12.09.2024, Mr. Bijay Kumar Dash, learned President of Orissa High Court Bar Association submitted data obtained from 15 wards of the C.M.C. relating to road condition and other civic amenities issues and the copies were handed over to Mr. Debasis Nayak-A, learned counsel for the C.M.C. Mr. Dash submitted that the data of the rest 44 wards of C.M.C. relating to road conditions and other civic amenities issues will be handed over to Mr. Debasis Nayak-A, learned counsel for the C.M.C. in course of the day.

Mr. Anam Charan Patra, C.M.C. Commissioner appearing in person submitted that for the road repair works of the 15 wards, estimate has been prepared and Junior Engineers have been asked to take up the works and in one of the wards, the road repair works is to be carried out by the R & B Division and as per the orders of this Court, necessary communication has been made to the said Division to execute the work. So far as the rest 44 wards are concerned which list they are supposed to receive today from the learned President of the Orissa High Court Bar Association, works will be distributed among the Junior Engineers and similar steps are to be taken up for addressing these issues.

Let the C.M.C. Commissioner furnish the names of Junior Engineers who have been entrusted to execute the works in different wards and apprise this Court by way of filing an affidavit with photographs and video recordings regarding the progress of the works ward-wise on the next date.

Mr. Pravash Kumar Majhi, Superintending Engineer, R & B Division, Cuttack has filed an affidavit wherein he has mentioned that the Field Engineers of Cuttack (R & B) Division No.1 have inspected all P.W.D roads under the jurisdiction of the Division during July and August 2024 to assess the damage caused to road surface due to monsoon rain. It is further mentioned that damage occurred to different P.W.D roads is also due to different activities of JICA/WATCO/OPTCL/GAIL while promoting their respective social utilities services in the city. It is further mentioned that estimates have been framed for restoration of different damaged to make pothole free. Tender for different roads has been finalized and letter of acceptance for all those wards has been issued on 21.09.2024 to execute the work and to sign agreement. The erratic rain time and again during the current month in the city is also impeding the restoration work early. However, it is expected that all the restoration work will be completed before 05.10.2024 to make the road smooth and motorable. The affidavit is taken on record.

When a news item published in the local daily under the heading of 'RATI RA PICHU SAKALU UTHI JAUCHI' was placed by the learned President of Orissa High Court Bar Association, Mr. Majhi submitted that immediately after the road repairing work in some specific areas were carried out, there was heavy rain for which the damage has been caused and effective steps are to be taken soon for repairing those damaged roads.

Mr. Atanu Kumar Samanta, City Engineer, C.M.C. has filed an affidavit indicating therein the provisions of OPWD Code for execution of works. He has stated that so far as the 15 wards list which

were received by them, prompt steps are being taken by C.M.C. to complete the same by 10th October 2024 and rest of the work by 25th October 2024. The affidavit is taken on record.

The City Engineer has also assured this Court that apart from the road repairing works, in view of the ensuing Durga Puja, problems relating to other civic amenities like street lights, repairing of potholes, sanitation issues, waste disposal, covering of drains by concrete slabs, sweeping of streets at regular interval will be carried out.

Mr. Vir Vikram Yadav, I.A.S., Principal Secretary, Works Department, Odisha appeared through virtual mode and submitted that a high level meeting was held few days back which was chaired by Hon'ble Minister of Works in which the MLAs of both Bhubaneswar and Cuttack participated along with all field officers and the detail survey of the roads have been carried out and some roads are in good conditions, some require minor repair work and other roads require extensive repair works and instructions have been given to the EICs and its team to float tenders for the works and to complete it by 5th October 2024.

It is stated at the Bar that in spite of affidavits, steps are not being taken in right earnest and there is a chasm between the affidavits and the harsh ground reality.

The concern of the Court regarding incongruity between the data of good roads as stated by the Principal Secretary (Works) which starkly contrasts with pot holed reality is conveyed to him.

The Principal Secretary assured that the repair works of the roads of the City will be closely monitored, so as to assuage the legitimate concern of the citizens and the complaint regarding quality of works shall also be looked into and necessary corrective measures shall be taken.

Mr. Dattatraya Bhausahab Shinde, Collector, Cuttack also appeared through virtual mode and submitted that one senior ADM shall be appointed as Nodal Officer and he will remain present when this Special Bench will sit to take up various civic problem issues and the Nodal Officer shall also coordinate between different departments involved in addressing the civic issues so that the problems can be sorted out.

When some video clippings were shown relating to stagnation of water under the railway overbridge near Matru Bhawan by the side of Taladanda Canal, the C.M.C. Commissioner Mr. Patra has assured that extra pumps shall be put at that particular point by tomorrow to see that there is no water stagnation.

When the video presentation relating to the works carried out by the OPTCL authorities on the ring road near Deer Park, Cuttack was made, it was found that the restoration work of the road after execution of the work has not been properly done.

Road digging is a problem for Cuttack City when different departments dig up the same road multiple times causing inconvenience to public and it results in poor quality work. There is a need to improve coordination between the departments. A road restoration policy is to be formulated so that

the departments carrying out their respective works shall have to deposit the restoration charges before starting the work and restore the road to its original condition.

The C.M.C. Commissioner shall depute some responsible officers along with the officials of OPTCL to the spot for verification so that the road restoration work is being properly carried out. The Nodal Officer to be appointed by the Collector, Cuttack shall make necessary communication in this regard to the OPTCL authorities to arrange a joint visit to the spot.

Since few days are left for commencement of Durga Puja Festival, we expect that the C.M.C. authorities along with the authorities of other departments who are concerned with the civic issues of Cuttack City shall make a conjoint effort to see that the woes and sufferings of the citizens on account of civic related issues are reduced to a great extent and they are able to enjoy the festival in a better manner in a congenial surrounding.

The personal appearance of the Principal Secretary, Works Department and the Collector, Cuttack are dispensed with for the time being.

List this matter on 03.10.2024.

(S.K. Sahoo) Judge (V. Narasingh) Judge S.C.B. MEDICAL COLLEGE AND HOSPITAL COMPOUND

172. As per order no.165 dated 19.09.2024, after 26.09.2024 receiving the Advocates' Committee report on S.C.B.M.C.H., Cuttack which highlighted different problems and suggested for remedial measures, the Health Secretary, Govt. of Odisha and Superintendent of S.C.B.M.C.H. were asked to appear through physical/virtual mode.

Professor Dr. Lucy Das, Dean and Superintendent in-charge, S.C.B.M.C.H. appeared in Court and she has filed point wise compliance status of remedial measures suggested by Advocates' Committee. The present status of each of the works has been highlighted in it. The same is taken on record.

Mr. Bijay Kumar Dash, learned President of the OHCBA, filed an additional report on the findings of post-mortem centre and other wards wherein it has been highlighted that one Aahar Centre is being operated in the campus of S.C.B.M.C.H. which provide 1500 meals during the day time and 1000 meals in the night. The attendants of the patients have brought to their notice that they have to wait hours together in a line to have their meals but when their turn comes, they often find that no food is left.

It has been suggested that one more Aahar Centre should be opened and it is to be seen that hygienic food are served in the centre. Suggestion has been given to open a Mission Shakti Café inside the campus so that no outsiders would enter the campus for marketing the fast foods. Further suggestion has been given regarding facilities of visitors card and to fix visiting hours to check the crowd congregation inside the campus. The additional report is taken on record.

A copy of the additional report has been handed over to Professor Dr. Lucy Das, who has assured this Court to look into these issues.

Mr. Dash, the learned President has also placed a note relating to mismanagement of health service in S.C.B.M.C.H. which is taken on record. It is stated therein, inter alia, that no faculty member is attending the outdoor duty after 2.00 p.m. in various departments and that the Associate and Assistant Professors (Unit Head) are not attending the outdoor regularly both in the first hour and second hour and that after 5.00 p.m. usually Associate and Assistant Professors are not visiting their respective wards even after persistent need and request of the patients and their attendants and that in public holidays and Govt. holidays, the Unit Heads are not attending the outdoor and indoor duty and that the faculty members are not visiting the ICU regularly and in Cardiology, General Medicine and Surgery Department, the outdoor is being run most of the time by DM students.

A copy of the note has been served on Professor Dr. Lucy Das and she has assured this Court to look into these aspects and apprise this Court on the next date.

When a news item published today was noticed that patient care in Govt. hospitals have been partially hit as nurses have gone on strike, Professor Das stated that alternative arrangements have already been made and outsourcing services have been arranged and steps have been taken to convince the nurses to refrain from strike and to resume the work and it is expected that the problem will not escalate. She submitted that the requirements under different headings have been conveyed to different departments.

Let Professor Das file a note as to what are the pending works of S.C.B.M.C.H. which have been communicated to which departments and when.

Smt. Aswathy S., I.A.S., Health Secretary, Odisha appeared through virtual mode and submitted that steps are being taken on regular basis to sort out different problems relating to infrastructure, shortage of doctors, staff and she further stated that the construction works of the S.C.B.M.C.H. have been speeded up and that the issue relating to nursing employees strike would be resolved at the earliest.

The Court fervently hopes that issue relating to the grievances of the nursing employees would be addressed on priority basis keeping in view their pivotal role in health care.

It is stated that 'health is wealth'. It is the obligation of the State to ensure the condition congenial to good health. Right to health is a fundamental right. Facilities of health and medical care are essential for a citizen to remain physically and mentally fit. In view of Article 21 so also Article 47 of the Constitution of India, it is the primary duty of the State to secure good health for its citizens and therefore maintenance and improvement of public health facilities are to be ranked higher than anything else as those are indispensable to the very existence of the community.

List this matter on 24.10.2024.

The personal appearance of Professor Dr. Lucy Das, Dean and Superintendent in-charge, S.C.B.M.C.H. and Smt. Aswathy S., Health Secretary, Odisha are dispensed with for the time being.

(S.K. Sahoo)  
Judge

(V. Narasingh)  
Judge

CONTROL OF NOISE POLLUTION,

CONSTRUCTION OF HUGE MANDAP PANDALS ON PUBLIC ROADS, FOOTPATH AND  
ERECTION OF ELECTRIC GATES AND DECORATIONS AND TRAFFIC MANAGEMENT DURING  
FESTIVE SEASON

173. 26.09.2024 As per order nos.152, 153, 154 dated 12.09.2024, the D.C.P., Cuttack was directed to file an affidavit regarding the preventive steps to be taken during the upcoming festive days for tackling sound pollution, traffic management so also safety measures to be taken by the Puja Committee who are erecting huge mandap pandals on public road, footpath and erection of electric gates and decorations.

Shri Prakash R., D.I.G. -cum- D.C.P., Cuttack has filed an affidavit which highlights about the steps to be taken for upcoming festive occasions, cultural programmes including melody, immersion processions and other processions. The affidavit is taken on record. It is stated that all the IICs of Cuttack City have been directed to undertake awareness programmes in their respective police station jurisdiction to sensitize different Puja Committee as well as general public not to play loud music during the festive season, cultural programmes and immersion processions etc. as it creates negative effects on people and environment including health issues, sleep disturbance, stress and affect the academic performance of the students as well.

Some learned Members of the Bar have expressed serious concern in the manner the Chandini Chowk Puja Committee so also other Puja Committees of Cuttack City have started construction of puja mandaps on the public road which are leading to traffic jam. The Collector, Cuttack has assured this Court that immediate steps shall be taken by deputing teams to visit each puja mandap to check such illegal construction activities on the public road and if necessary, the licence granted shall be revoked.

Sri Sanjeev Kumar Behera, Asst. Fire Officer, Cuttack Fire Station has filed an affidavit as per order no.153 dated 12.09.2024 that a meeting was convened regarding fire safety and other management for the ensuing puja under the Chairmanship of District Collector in presence of all representatives/heads of departments including Fire and Emergency Service and Police and representatives of all puja committees of Cuttack City and committee members were instructed to keep at least two fire extinguishers, two fire buckets, one blanket and to deploy a person having

knowledge of operating fire extinguishers. It is stated that in addition to three numbers of existing fire stations in Cuttack City, additional six numbers of temporary fire stations will be opened and bike patrolling units and quick response units will be placed at large gathering areas to face any eventualities. The affidavit is taken on record.

We expect that appropriate steps as suggested by the D.C.P., Cuttack so also the Asst. Fire Officer in their affidavits would be effectively implemented so that the people would enjoy Puja in a better manner.

List this matter on 03.10.2024.

(S.K. Sahoo) Judge (V. Narasingh) Judge CHECKING THE SALE OF ADULTERATED FOOD

174. As per order no.155 dated 12.09.2024, the 26.09.2024 Health Officer, C.M.C. was directed to 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.

Dr. Satyabrata Mohapatra, Health Officer, C.M.C. has filed an affidavit wherein it has been stated that the team of C.M.C. recently destroyed 1.5 quintal of stale food in the spot for public interest and an amount of Rs.70,500/- has been imposed as fine against the food business operators those who have violated the provisions of Food Safety and Standards Act, 2006 and it would continue till end of all the festivals. The affidavit is taken on record.

(S.K. Sahoo) Judge (V. Narasingh) Judge PROBLEMS FACED BY THE RESIDENTS OF C.D.A., WARD NO.6

175. As per order No.159 dated 19.09.2024, Mr. 26.09.2024 Atanu Kumar Samanta, City Engineer, Cuttack was to file an affidavit regarding steps taken to solve water logging issues in the C.D.A. Mr. Atanu Kumar Samanta, City Engineer, Cuttack has filed an affidavit wherein it is indicated that the repair works has already been started and it would be completed by 31st October 2024. The affidavit is taken on record.

List this matter on 24.10.2024.

(S.K. Sahoo) Judge (V. Narasingh) Judge SPREADING OF DENGUE IN CUTTACK CITY

176. As per order No.160 dated 19.09.2024, the 26.09.2024 Health Officer, Sri Satyabrata Mohapatra was directed to appear before this Court in person/through virtual mode to apprise this Court about the preventive steps taken for checking the spreading of dengue in each ward of Cuttack City.

The Health Officer has stated that 323 dengue cases have been officially reported from S.C.B.M.C.H. and City Hospital, Cuttack and bush cutting activities are being carried out in different areas regularly.

Some of the learned Members of the Bar stated that in ward nos.6, 7 and 10, no steps are being taken for bush cutting.

Let the Health Officer visit the aforesaid wards in presence of the advocates of those areas to verify the location of bushes and to take immediate steps for cutting and removing the bushes.

List this matter on 24.10.2024.

(S.K. Sahoo) Judge (V. Narasingh) Judge FILING OF AFFIDAVITS BY INSPECTOR IN- CHARGES

177. In pursuance of the order dated 12.09.2024, Sri 26.09.2024 Debendra Kumar Biswal, I.I.C., Chauliaganj police station, Sri Chita Ranjan Rout, I.I.C., Madhupatna police station and Sri Ajay Kumar Roul, I.I.C., Badambadi police station have filed affidavits wherein it has been indicated that for preventing further re-encroachment after the eviction drive conducted by C.M.C., PCR and PS Mobile Vehicles are making rounds in regular intervals and home guards have been deployed and fines have been realized from the erring vendors who were trying to encroach the areas. The affidavits are taken on record.

This Court expects the I.I.Cs. to continue their efforts in accordance with law and to maintain the areas encroachment free.

(S.K. Sahoo) Judge (V. Narasingh) Judge Designation: Senior Stenographer Location: HIGH COURT OF ORISSA, CUTTACK Date: 26-Sep-2024 21:06:39