

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

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

**Registrar (Judicial), Orissa ....** **Petitioner**  
**High Court, Cuttack**

None

*-versus-*

**State of Odisha and others ....** **Opposite Parties**

Mr. Debakanta Mohanty, AGA,  
Mr. Debasis Nayak, Advocate for CMC-O.P. No.2,  
Mr. Sailaza Nandan Das, Advocate for Odisha Water Supply &  
Sewerage Board,  
Mr. P. K. Bhuyan, Advocate for JICA (O.P. Nos.3 and 4) and  
Mr. Probodha Chandra Nayak and Mr. Saroj Padhy, Advocates for  
Committee of Advocates

**W. P. (C) No.24740 of 2023**

**Debasis Rout ....** **Petitioner**

Ms. Padmalaya Mohapatra, Advocate

*-versus-*

**State of Odisha and others ....** **Opposite Parties**

Mr. Debakanta Mohanty, AGA,  
Mr. Debasis Nayak, Advocate for CMC-O.P. No.4,  
Mr. Sailaza Nandan Das, Advocate for Odisha Water Supply &  
Sewerage Board (O.P. No.3)

**CORAM:**

**ACTING CHIEF JUSTICE DR. B. R. SARANGI**

**MR. JUSTICE M. S. RAMAN**

**ORDER**

**10.10.2023**

**Order No.**

27.

1. These matters are taken up through hybrid mode.

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

2. In compliance with the order of this Court dated 21<sup>st</sup> August  
2023, an affidavit on behalf of the Cuttack Municipal Corporation

(CMC) has been produced before the Court. The said affidavit is taken on record.

3. Mr. Sailaza Nandan Das, learned counsel appearing for Odisha Water Supply & Sewerage Board (OWS & SB) submits that now the OWS & SB is not taking care of supplying water to the Cuttack city rather it has been transmitted to Water Corporation of Odisha (WATCO) with effect from 1<sup>st</sup> April, 2023. As such, the OWS & SB does not have any responsibility with regard to supply of water to the Cuttack city.

4. Mr. P. K. Bhuyan, learned counsel appearing for the WATCO has endorsed such view made by Mr. Das and contended that the WATCO is now taking care of supply of water within the Cuttack city.

5. Mr. Debasis Nayak, learned counsel appearing for the CMC states that since WATCO is undertaking such supply of water in the Cuttack city by digging roads and laying underground pipelines, they have undertaken repair of the same. By referring to the affidavit produced today, Mr. Nayak has stated that the CMC is maintaining the arterial roads, lanes and by-lanes in Cuttack city and the Cuttack (R & B) Division No.1, PWD, Government of Odisha is maintaining the roads in the areas of CDA, the Ring Road and the

internal main roads of Cuttack city. Therefore, WATCO and Cuttack (R & B) Division No.1 are responsible for not taking care of the damaged roads, which are passing through the Cuttack city. Further, in para-4 of the said affidavit of the CMC, it has been stated as follows:

*“4. That, apart from the CMC and the government departments/agencies mentioned above, Gas Authority of India Limited (GAIL), Tata Power Central Odisha Distribution Limited (TPCODL) and private companies like Jio, Airtel, etc. are also responsible for road cutting to lay underground gas pipelines, electricity cables and optic fibre cables after obtaining permission from the CMC. These agencies are responsible for restoration of the part of the roads which they are responsible for digging after completion of their work.”*

6. In para-5 of the aforementioned affidavit produced by the CMC, it has been stated as follows:

*“5. That pursuant to the Order dated 21.08.23, a meeting was held on 11.09.23 by the conducting counsel, CMC with all the agencies listed in paragraph 4(a) above to discuss the construction of drains and restoration and repair of roads in Cuttack City. Pursuant to the said meeting, all the said agencies have submitted comprehensive details for specifying the areas of their operation and plan for restoration and repair of roads and construction of drains in Cuttack City as follows :*

*a. According to the information submitted by WATCO (Water Supply Division), they have listed 58 locations in Cuttack where they had commenced work. Out of 58 locations, in 52 locations WATCO had commenced work and in 6 locations, the work is to be completed by R&B Division. Out of the said 52 locations,*

*i. Work is complete and roads have been restored in 26 locations.*

*ii. Out of the remaining 26 locations, in 15 locations, work is to be completed and roads to be restored by 20.10.23.*

*iii. In 7 locations, work is to be completed by 30.10.23; and in the rest of the four locations, work will be completed and roads will be restored by 15.11.23.*

*House connections for drinking water supply are also being undertaken after the primary pipe laying work. Minor road cutting will also have to be undertaken for the same. The entire project will be completed by 31.05.2024. The information provided by WATCO (Water Supply Division) are annexed herewith at ANNEXURE-L/2.*

*b. According to the instructions supplied by the WATCO (Drainage and Sewerage Divisions),*

*i. for the roads in and around box drain (JICA works), after completion of construction of the box drain by JICA, out of 7 locations, in two (2) locations, work is scheduled to be completed by 20.10.23, in one (1) location by 31.12.23 and in the rest of the four (4) locations, by 31.03.24. Copy of the relevant information for roads in and around box drain is annexed herewith at ANNEXURE-M/2.*

*ii. for the rest of the roads in CMC Area where some JICA works are still under progress, road restoration and repair will be completed by 20.10.23. Copy of the relevant instructions for the rest of the roads connected with JICA works are annexed herewith as ANNEXURE-N/2.*

*c. As per the information provided by the Cuttack (R&B) Division No. 1, PWD, Govt. of Odisha, out of 59 roads in the CMC that are being maintained by them,*

*i. 29 numbers of roads are in good condition and do not need repair/restoration at present;*

ii. In 3 locations, road restoration work is complete;

iii. In 11 locations, roads are scheduled to be repaired and restored by 15.10.23;

iv. In 9 locations, roads are scheduled to be repaired and restored by 22.10.23;

v. In 2 locations, roads are scheduled to be repaired and restored by 30.10.23;

vi. In 5 locations, roads are scheduled to be repaired and restored by 30.11.23

Copy of the relevant information provided by the Cuttack (R&B) Division Nos. 1, PWD, Govt. of Odisha are annexed herewith as **ANNEXURE-P/2**.

d. As far as the works under CMC are concerned, under City Division-1, there are 134 locations in Ward Nos.1 to 30 where post monsoon road, drain and culvert repair works are in progress. All the said works are scheduled to be completed by 20.10.23. Copy of the list of the works under City Division-1, CMC are annexed herewith as **ANNEXURE-Q/2**.

e. As far as the works under CMC are concerned, under City Division-2, there are 53 locations in Ward Nos. 31 to 55 where post monsoon road, drain and culvert repair works are being undertaken. Out of 53 locations, in 33 locations, works are scheduled to be completed by 20.10.23. In the rest of the 20 locations, work is scheduled to be completed by 15.11.23. Copy of the list of the works under City Division-2, CMC are annexed herewith as **ANNEXURE-R/2**.

f. Other than the above, administrative approval for construction of Five Major Storm Water Drains have been sought from the H&UD Department by the CMC vide communication dated 12.09.23. Necessary steps for construction will be undertaken immediately after administrative approval is given by the H&UD Department, Government of Odisha. Copy of the communication dated 12.09.23 is annexed wherewith as **ANNEXURE-S/2**.”

7. We have heard learned counsel for the parties.

8. On perusal of the aforementioned para-5, it is seen that though timeline has been specified for restoration and repair of roads and construction of drains in Cuttack city, this Court, taking into consideration the inconvenience caused to the public at large, is of the view that the timeline cannot be fixed at the sweet-will of the authority concerned rather they should expedite the work. As such, the Court is of the *prima facie* view by taking into consideration the situation prevailing in Cuttack city that the affidavit filed by the City Engineer, Cuttack Municipal Corporation is absolutely an imaginary one. Therefore, the City Engineer is called upon to appear in person on the next date to explain how such timeline has been given by him. The Superintending Engineer, (R & B) Division, Cuttack and the General Manager, WATCO (Sewerage) along with the General Manager, WATCO (Drainage) are also to remain present on the next date. Apart from the above, the General Manager, Gas Authority of India Limited (GAIL), who is laying underground gas pipelines for supply of gas within the Cuttack city, is to remain present on the next date.

9. Call this matter on 13<sup>th</sup> October, 2023 at 10.30 A.M.

