



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (P.I.L.) No.10157 of 2025

***Aroop Kumar Deo and
others***

..... *Petitioners*

*Mr. Prasanna Kumar Nanda,
Advocate*

-versus-

***State of Odisha and
others***

..... *Opp. Parties*

*Mr. Jateswar Nayak,
Addl. Govt. Advocate
for opp. parties nos.1 to 3*

*Dr. Purusottam Chuli, Advocate
for opp. party no.5*

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE M.S. SAHOO

ORDER

20.05.2025

Order No.

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

This writ petition has been filed by the petitioners, inter alia, with the following prayers:-

"iii. issue Rule NISI calling upon the opp. parties to show cause as to why the construction of vending zone to the northern side of the boundary wall of the 2nd campus of Madhusudan Law University at Rehman Square, Jobra, Cuttack will not be stopped



and take necessary steps for the beautification of the land adjacent to the entire front side boundary wall of the said 2nd campus for healthy study environmental atmosphere.

iv. if the opp. parties show no cause or show insufficient cause then the above Rule may be made absolute against them by issuing writ of mandamus directing the opp. parties to stop the ongoing construction of the above said vending zone adjacent to the northern side of the boundary wall of the 2nd campus of Madhusudan Law University and take necessary steps for the beautification of the said land for healthy study environmental atmosphere in order to uphold the glory of the University. Or in-alternative Madhusudan Law University may be directed to beauty the surrounding of the 2nd campus adjacent area of boundary wall."

On 22.04.2025, when the matter was first taken up, notice was issued to the opposite parties and so far as opposite parties nos.4 and 6 are concerned, i.e. Commissioner, Cuttack Municipal Corporation, Cuttack and Director, Municipal Administration and ex-officio, Addl. Secretary, Housing and Urban Development Department, Govt. of Odisha, Bhubaneswar, the order was passed to take notice by special messenger.

The learned counsel for the petitioners submits that immediate steps were taken in that respect.



Mr. Anam Charan Patra, C.M.C. Commissioner appearing through virtual mode submits that they have received notice and instruction has been given to Mr. Debasis Nayak, learned counsel to appear for the Cuttack Municipal Corporation.

It is pertinent to note that when the matter was taken up on 16.05.2025, liberty was granted to the petitioners to move before the first Vacation Court and accordingly, they have moved and the matter has been listed today, but no counsel appears for the Cuttack Municipal Corporation.

Grounds have been taken in the writ petition that by construction of vending zone adjacent to the northern side of the boundary wall of the 2nd campus of Madhusudan Law University at Rehman Square, Jobra, Cuttack, there would be road congestion leading to traffic problem, water logging, noise and other pollution, study atmosphere would be hampered and it would disrupt campus activities and more particularly, it may pose risk to safety of 300 or more girl students out of 900 students who are suppose to reside in the Girls' Hostel in the newly constructed building complex. The University also intends to beautify the surrounding area with landscaping and plantation.

It is submitted by the learned counsel for the petitioners that a surface drain is passing adjacent to the



boundary wall of the 2nd campus and there is every likelihood that by the proposed construction of the vending zone, there is likelihood of encroachment over the drain which would create problem for drainage and sewerage system, which would be in direct conflict with the orders passed by the P.I.L. Bench dealing with various issues of Cuttack City.

Learned counsel further highlighted that after issuance of notice by this Court, the construction of the vending zone is progressing fast which needs to be stopped immediately otherwise it would put the students of the University, the local people as well as the University into various problems and therefore, stay of construction work of vending zone is very much necessary.

In the case of **Bombay Hawkers' Union and others -Vrs.- Bombay Municipal Corporation and others reported in (1985) 3 Supreme Court Cases 528**, it is held, inter alia, that there should be no hawking within 100 meters from any educational institution.

The C.M.C. Commissioner seeks some time to file counter affidavit to the writ petition.

List this matter in the week commencing from 30.06.2025.



Counter affidavit, if any, be filed in the meantime by the opposite parties.

(S.K. Sahoo)
Vacation Judge

(M.S. Sahoo)
Vacation Judge

I.A. No.5970 of 2025

04. Heard.

As an interim measure, it is directed that there shall be stay of construction work of vending zone in front of/adjacent to the boundary wall of 2nd campus of Madhusudan Law University at Rehman Square, Jobra, Cuttack till the next date. Status quo with respect to the proposed construction as on date shall be maintained by the opp. parties till the next date.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Vacation Judge

(M.S. Sahoo)
Vacation Judge