



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. P.K. Parhi, DSGI,
Mr. D. Gochhayat, CGC*

*Mr. Debasis Nayak-A
Addl. Govt. Advocate &
Advocate for C.M.C.*

CORAM:

JUSTICE S.K. SAHOO

JUSTICE V. NARASINGH



ORDER
09.10.2025

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

**STEPS TO BE TAKEN BY AUTHORITIES FOR
UPCOMING FESTIVE SEASON**

IMPROVING ROAD CONDITIONS

337-A.
09.10.2025

As per order no.333-C dated 25.09.2025, the City Engineer and other Engineering Personnel of CMC are present in Court.

When this issue was taken up on 25.09.2025, the City Engineer, CMC filed an affidavit dated 03.09.2025, wherein it was stated that Cuttack Municipal Corporation has already identified the list of roads for taking necessary steps for repair/renovation of all such damaged roads. However, since we found that list thereof was not annexed to the affidavit, we directed the City Engineer to place on record the list of such roads. The City Engineer was also directed to place on record the list of roads ward-wise which have been left out by the CMC, which according to the CMC did not require repairing for the Durga Puja festival.

On that day, the Superintending Engineers of R & B, both the Divisions appeared through virtual mode and assured this Court that the road repairing works which are under their jurisdiction would be completed



within two to three days.

On that day, the Commissioner, CMC also appeared through virtual mode and stated that she had been informed by the Engineers attached to different wards that 90% of the road repairing works had been completed and the rest of the works would be completed very soon.

However, the learned members of the Advocates' Committee raising concern stated that in some of the wards, road repairing works have not at all started and it would never be possible to complete it prior to Durga Puja and it was further stated that the City Engineer by filing an affidavit regarding the road repairing completion work prior to Durga Puja has tried to mislead the Court and it was also submitted that the CMC Commissioner is not being properly apprised by the Engineers relating to the status of road repairing work.

This Court asked the Commissioner, CMC/ V.C. CDA as well as the Superintending Engineers, R & B, Division Nos.I & II to visit different wards of Cuttack City at the earliest and verify the road conditions, which are under their respective jurisdictions and take immediate steps for repairing the same so that people would not face any inconvenience during the upcoming festivals.



Mr. Atanu Kumar Samanta, City Engineer, CMC is present in Court today.

Learned counsel for the CMC has produced the fact sheet of the City Engineer, CMC regarding status of the roads, which is taken on record.

The fact sheet reveals that the Engineers of CMC have made a detailed inspection and field survey and thereafter, the reports have been submitted. The same is extracted for convenience of reference:

- "a.** There are approximately 3372 roads in all 59 wards of the CMC that are coming under the maintenance of CMC;
- b.** Out of said 3372 roads, approximately 1716 roads are in good condition that do not need any repair at the moment;
- c.** During Post-monsoon, 284 numbers of road works were taken up for repairs, out of which 267 number of roads have already been repaired. Repair of the rest 17 number of roads will be completed by 31st October 2025;
- d.** Repair of 56 number of roads are currently under progress and it is expected that repair of the said roads will be completed by November 30th, 2025;



e. Tender process has been initiated for 105 number of roads for which work order will be issued by 10th November, 2025 by following due procedure. The work is expected to be completed by 31st January, 2026;

f. Tender for the rest 1211 roads in damaged and partially damaged condition will be initiated in a phased manner wherein the most damaged roads will be taken up on priority basis.

4. The Commissioner, CMC has also instructed all the concerned Engineers to further verify / cross-check the roads coming under CMC to ensure that no road has been omitted by inadvertence and to submit a list of the said roads ward-wise before the Commissioner, CMC for taking necessary steps for repair / reconstruction."

On bare perusal of the fact sheet submitted by the City Engineer, it is seen that the tender process has been initiated for 105 nos. of roads, for which work order would be issued by 10th November, 2025 and the work is expected to be completed by 31st January, 2026. "Tender for rest 1211 roads in damaged and partially damaged



road condition" will be initiated in a phased manner wherein the most damaged roads will be taken up on priority basis.

On perusal of the fact sheet, this Court is of prima facie view that the same is vague and at this juncture, it is apposite to note that in the previous deliberation, this Court was informed by the Commissioner, CMC that 90% of the road repairing work was completed and rest work would be completed very soon. The same is clarified by the CMC Commissioner that it was relating to post-monsoon roads.

This Court is at a loss to understand as to why no steps were taken to file an application to put the statement in its proper perspective. This Court does not appreciate the approach in this regard and fervently hopeful that in future such statements without due verification are not made.

Good roads in urban areas are essential for economic growth, enabling efficient trade and commerce and facilitating the movement of goods and people, which boosts employment and real estate development. They are crucial for social development by improving access to education, healthcare and other essential services and thereby enhancing the overall quality of life for residents. Well-maintained roads promote urban livability by



ensuring smooth commuting, efficient public services and reducing traffic congestion and accidents which creates a more efficient and safer city. The condition of roads reflects a city's planning and objectives. It needs no emphasis that good roads are fundamental to the functioning of modern societies, influencing economic growth, social interactions and accessibility. Their development and maintenance are crucial for sustainable progress and quality of life.

According to "Bharatpedia", the Cuttack Municipal Corporation jurisdiction includes 783 kms. of roads. After going through the fact sheet submitted by the City Engineer, CMC, since we find that a good number of roads are in damaged conditions, this Court is of the considered view that the improvement of the condition of the roads which is far from satisfactory should be taken up at the earliest and for such purpose, a structured approach is necessary.

To address the issue of roads, which is cropping up every year, this Court directs that Engineers in-charge of each ward shall prepare a statement indicating the total length of the roads ward-wise, the roads to be repaired and the time limit for completion of such repair work. Measurement of the extent of damaged road in each ward may be conducted in presence of the learned



Advocate/Advocates of such ward whose name/names finds place in the Advocates' Committee List. Priority in road repairs is to be given in market areas, around hospitals, educational institutions, accident-prone zones and densely populated wards. So far as the roads which require urgent repair shall be done on emergent basis without waiting to go through the tender process. The steps taken in this regard shall be intimated to this Court in affidavits to be filed by the Engineers in-charge of the ward/wards on or before 24th November, 2025 so that the copies of such affidavits can be provided to the Advocates' Committee.

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.

Concern was expressed during the deliberation that while taking up the repair work, due regard is not being given to the height of the roads which keeps on



increasing and the same is creating problems to the existing structure, the sewerage and leading to water congestion. It should be ensured that the road repair work does not increase the road height. The repairs must adhere to proper construction and drainage protocols to prevent future problems. Raising the road level can cause rain water to flow into lower-lying areas, flooding homes and business establishment. The repeated additions of new layers can eventually elevate the road above the plinth of adjacent buildings, compromising structural integrity and making them vulnerable on account of accumulation of water. Increased road heights disrupts the natural flow of storm water, causing drains to get clogged and exacerbating water logging issues. The sub-standard and unscientific repair work does not address the root cause of road damage.

Ms. Kirandeep Kaur Sahota, IAS Commissioner, CMC who is present online has assured this Court to address the issue and impart necessary instruction in this regard to the concerned Engineers to be extra careful while preparing the estimate, which should indicate the cost of digging of the roads so as to maintain the level of the roads as before so that it does not affect the sewerage and drainage system etc. as noted above.



Relating to the approach road near Balikuda particularly the stretch beyond the underpass till the traffic square and the road from Madhupatna Chhak to OMP Square, it is brought to the notice of this Court that the same comes under the jurisdiction of NHAI.

Given the condition of the said roads, learned DSGI Mr. P.K. Parhi, who is present through online is called upon to instruct the concerned officials of NHAI to get the same repaired on an emergent basis and steps taken in this regard shall also be considered on the next date of positing i.e. 27.11.2025.

On the said date, the concerned NHAI officials shall remain present either in person or virtually.

The same modalities as mentioned earlier relating to the state of roads for the CMC shall also be followed by the Superintending Engineer, R & B Division Nos.I & II. Accordingly, the Superintending Engineer, R & B Division Nos.I & II are directed to file compliance affidavits for roads under their respective jurisdiction.

As there is overlapping of jurisdiction between the CMC and NHAI as well as R & B Division Nos.I & II regarding the roads under CMC, the Superintending Engineer, R & B Division Nos.I & II are called upon to issue necessary communication to the NHAI BY 16.10.2025 indicating the roads which comes under NHAI



jurisdiction so that the issue relating to the state of the roads, can be effectively addressed by the NHAI.

In making evaluation of the roads irrespective of whether the roads belong to the CMC, R & B and NHAI, steps shall be taken to ensure that the roads are made encroachment free. And, necessary assistance in this regard shall be rendered by the District Administration to the concerned authorities.

List this matter on 27.11.2025.

Let a copy of the order be made over to the learned AGA Mr. Nayak for necessary compliance.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

CONDITIONS OF ROADS AND DRAINS

337-B.
09.10.2025

When this issue was taken up on 18.09.2025, the issue relating to repair and reconstruction of the road from "Advocate Loknath Udgata Residence to Ganeriwala House at Madhusudan Nagar in Ward No.16" was raised during the course of hearing and the Commissioner, CMC, who was present through virtual mode was called upon to



look into it and the asked to place on record the steps taken in this regard.

Learned counsel for the CMC has produced the compliance report dated 09.10.2025 of the City Engineer, CMC, wherein it is stated as follows:

(i) Regarding repair and reconstruction of the road from "Advocate Lokanath Udgata Residence to Ganeriwala House at Madhusudan Nagar in Ward No.-16", it is stated that, the said road belongs to Cuttack Municipal Corporation. Previously for repair/reconstruction of the above road, e-tender was floated and work order was also issued. However, when the concerned contractor took steps to repair/reconstruct the said road, some people of that locality objected and not allowed to construct cement concrete road. So, the said work was stopped and the tender was also cancelled;

(ii) However, again on demand of public of the said locality, another estimate was prepared for the work "Repair and restoration of BT Road from Advocate Lokanath Udgata Residence to Ganeriwala House at Madhusudan Nagar in Ward No 16". In the meantime, tender for the said work has been floated on 25.09.2025 vide Tender Call Notice No.11878 (PW) dated 25.09.2025. The date of opening of the said Tender has been fixed to 13.10.2025. A Copy of the said Tender Call Notice dated



25.09.2025 has been annexed to the compliance report.

The compliance report of the CMC dated is taken on record.

List this matter on 27.11.2025.

Learned counsel for the CMC shall apprise this Court about the status of tender call notice and the progress of work, if any, by the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**ROAD CONDITION OF THE STRETCH TO MAA
BHUASUNI TEMPLE IN WARD NO.1**

337-C.
09.10.2025

As per order no.315 dated 04.09.2025, learned counsel for the State has produced the written instruction dated 24.09.2025 of the Superintending Engineer, Cuttack (R & B), Division No.I, wherein it is stated that the earthen road connecting to Maa Bhuasuni Temple has been temporarily repaired. However, after dissipation of rain, the level of existing earthen road will be raised by filling with earth fly ash and proper gradient will be maintained for smooth movement of people and it will be made trafficable by 26.09.2025.



The letter dated 24.09.2025 of the Superintending Engineer, Cuttack (R&B) Division No.I is taken on record.

List this matter on 27.11.2025.

Learned counsel for the State shall apprise this Court about the development made by the next date.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

BALIJATRA 2025, CUTTACK

338.
09.10.2025

Though this matter was not in the list, on being mentioned by Mr. D. Nayak, learned Addl. Government Advocate in the light of the compliance affidavit filed by the Collector & District Magistrate, Cuttack pursuant to the direction passed by this Court vide order dated 199 dated 07.10.2024 and keeping in view the upcoming Balijatra 2025 with specific reference to utilization of upper Balijatra ground, the same is taken up.

Paragraphs 4 to 6 of the said compliance affidavit germane for consideration is extracted hereunder for convenience of ready reference:

"4. That, This year, the Government has approved the Mahanadi Riverfront Development



Project near the embankment of the Lower Baliyatra Ground. Accordingly, all stalls have been planned within the Lower Baliyatra Ground, covering an area of 60 acres with compliance to the observation of the Hon'ble High Court and the Upper Baliyatra Ground has been designated for parking purposes.

5. That, Later, various stakeholders like representatives of various Political Parties, Senior Citizens, Business Associations, Corporates, Different Institutions, Different Committees raised objections to the shifting of stalls from the Upper Baliyatra Ground to the Lower Baliyatra Ground with the logic that the heritage, culture, and historical significance of the Baliyatra are rooted in the Upper Baliyatra Ground, where the festival originally began.

6. That, in view of the above, the Hon'ble Court may graciously be considered **to permit the District Administration to use some part of the Upper Baliyatra Ground for organizing the Historic Balijatra**".

(Emphasized)

On perusal of the order dated 20.10.2024 and the subsequent order dated 07.11.2024, it is apparent that this Court dealt with the issue of Upper Balijatra ground taking into account the concern expressed.

For convenience of reference, the relevant extracts of the said orders 20.10.2024 and 07.11.2024



are culled out hereunder:

**"Order No.188 dated 20.10.2024
BALIJATRA 2024, CUTTACK**

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The Advocates' Committee raised alarm that since stalls are opened in both Upper Balijatra Padia and Lower Balijatra Padia and the crowd passes from one to the other, there used to be heavy rush particularly on the Ring Road which falls in between resulting in accidents and possibility of stampede cannot be ruled out. Even ambulance service carrying patients to S.C.B.M.C.H., Cuttack face immense difficulty and therefore, if all the stalls are located in the Lower Balijatra Padia and the Upper Balijatra Padia is used for parking purpose of the vehicles, the problem can be addressed to a great extent and more particularly when huge space is readily available in the Lower Balijatra Padia for accommodating all the stalls.

Let the Collector, Cuttack convene a meeting of different authorities who are involved in organizing Balijatra including D.C.P., Cuttack, C.M.C. Commissioner for a discussion regarding feasibility of shifting the stalls of Upper Balijatra Padia to Lower Balijatra Padia and for utilizing the Upper Balijatra Padia as parking space for the vehicles."



**"Order No.199 dated 07.11.2024
BALIJATRA 2024, CUTTACK**

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XXX

In compliance with the order dated 30.10.2024 of this Court, a meeting was held under the chairmanship of Collector, Cuttack on 04.11.2024 to deliberate upon the feasibility of shifting the stalls and other arrangements already made over the Upper Balijatra Ground to Lower Balijatra Ground and utilizing the Upper Balijatra Ground as a space for parking of the vehicles. The meeting was attended by D.C.P., Cuttack and Commissioner, C.M.C. and other officers of different departments associated with its organizations.

In the said meeting, the prevailing difficulties for the proposed shifting of arrangements from Upper Balijatra Ground to Lower Balijatra Ground were discussed. During the discussions, it came to light that registration and auction process for 601 nos. of stalls in Upper Balijatra Ground have already been completed in favour of the eligible applicants and requisite fees have already been realized apart from demarcation of stalls and electrical installations.

In the said affidavit, the Collector, Cuttack brought to the notice of this Court an order dated 22.09.2022 (passed in O.A. No.68/2020/EZ) of the National Green Tribunal, Special Bench, Calcutta, wherein the



learned Tribunal had directed that the extended Balijatra Ground measuring 34 acres may be used for the organization of Balijatra without expanding it any further. Therefore, the Balijatra is being organized every year over the said ceiling land 34 acres at Lower Ground as per the direction of the learned Tribunal. The Collector, Cuttack further stated that the registration/auction/allocation process for 587 nos. of stalls for private eligible applicants and 1,250 nos. of stalls for different departments of Govt. and other organizations in Lower Balijatra Ground has also been completed and thus, it is not possible to accommodate the stalls from Upper Balijatra Ground in Lower Balijatra Ground as the latter has reached its maximum capacity.

Nonetheless, the Collector, Cuttack has assured this Court in his affidavit that a dedicated green corridor has already been made for smooth plying of emergency vehicles and vehicles and carcades of dignitaries from Cantonment police station to Silver City Boat Club. Further, there has been a considerable expansion of traffic spaces to reduce traffic congestion and convenient movement of public over the roads. The D.C.P., Cuttack has been requested to ensure that no encroachment is made by unauthorized and small vendors over the footpaths and pavements. Similarly, the Commissioner, C.M.C., Cuttack has been asked to oversee sanitation and cleanliness and also to combat dust pollution in the Balijatra



grounds and the City Health Officer, C.M.C., Cuttack has been instructed to come with flying squad to check food quality as well as to carry out regular enforcement. Furthermore, other departments like WATCO, Cuttack and TPCODL have been directed to ensure adequate drinking water and electrical installations respectively.

The Collector, Cuttack, has stated in his affidavit that in view of the order of the learned NGT as well as taking into account the completion of auction process for stalls of Upper Balijatra Ground and considering the difficulties in shifting the stalls and arrangements from Upper Balijatra Ground to Lower Balijatra Ground due to the ceiling limit of 34 acres of the latter, it is not feasible to relocate Balijatra arrangements as suggested by this Court. The affidavit is taken on record."

In view of the orders extracted hereinabove, it is abundantly clear that this Court has not put any fetters on the District Administration regarding use of Upper Balijatra ground in organizing the historic Balijatra, 2025. Hence, in our considered view, no permission is required from this Court for the District Administration to "use some part of the Upper Balijatra Ground for organizing the Historic Balijatra".



However, this Court expects that all other observations made relating to organizing Balijatra 2024 in the order dated 07.11.2024 shall be followed strictly by the concerned authorities and they shall coordinate with each other in organizing Balijatra 2025 smoothly.

Motion seeking permission thus stands disposed of.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge