



IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Aroop Kumar Deo and others ***Petitioners***

Mr. Prasanna Kumar Nanda,
Advocate

-versus-

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

*Mr. Debaraj Mohanty,
Addl. Govt. Advocate
for Opp. Parties nos.1 to 3*

*Dr. Purusottam Chuli, Advocate
for Opp. Party no.5*

CORAM:

**HON'BLE MR. JUSTICE S.K. SAHOO
HON'BLE MR. JUSTICE M.S. SAHOO**

Order No.

**ORDER
23.05.2025**

05.

I.A. No.8883 of 2025

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

Though matter was directed to be listed on 30.06.2025 as per the order dated 20.05.2025, on being mentioned by Mr. Prasanna Kumar Nanda, learned counsel for the petitioners in the first hour regarding urgency of passing some orders in the present I.A. (i.e. I.A. No.8883 of 2025) to prevent



further violation of the interim order dated 20.05.2025 in I.A. No.5970 of 2025 and taking into account his further submission that the I.A. copy has been served on the learned Additional Government Advocate for the State, we directed the matter to be listed by way of special notice. Accordingly, the Registry has notified the matter to be taken up and circulated the notice.

Mr. Nanda, Advocate refers to the interim order dated 20.05.2025, wherein it was directed that there shall be stay of construction work of vending zone on the area abutting public road and a surface drain adjacent to the boundary wall of 2nd campus of Madhusudan Law University at Rehman Square, Jobra, Cuttack till next date i.e. 30.06.2025 and status quo with respect to the proposed construction as on 20.05.2025 to be maintained by the opposite parties. It is argued that even though the order was passed in presence of the C.M.C. Commissioner, Mr. Anam Charan Patra, there is serious violation of the interim order.

In the interim application i.e. I.A. No.8883 of 2025, it is stated as follows:-

"3. That it is very sorry to mention here that the O.P No-4 on 21.05.2025 started construction by affixing roof teen over the said vending zone house while the petitioners were informed by some students, the petitioners intimated the said fact to the university authorities and then the petitioners went to the



spot and requested not to proceed on the construction and showed the order of this Hon'ble Court but they did not stop. So, the petitioners compelled to lodge a complaint before IIC Malgodown Police Station. It is also stated here that the local people those who were aware of the Hon'ble Court's order they also objected as regards the high handed action of the Opp. Parties. When the police came to the spot they stopped the construction work.

A copy of the complaint dated 21.05.2025 is filed herewith and marked as Annexure-1.

4. That it is pertinent to mention here that on 22.05.2025 morning the University authorities saw that one shop room in the vending zone was opened and some person are selling tiffin there. It is also evident that overnight roof tins were affixed hurriedly over some portion of the vending zone. So the O.P No-5 Registrar lodged complaint before the IIC.

A copy of the said complaint is filed herewith and marked as Annexure-2.

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xxx

xxx

6. That in view of the facts and circumstances the O.P. No-4 in an adamant attitude knowing fully well violating the order of this Hon'ble Court dated 20.05.2025 by exercising his colorable power with an ill motive to defy this Hon'ble Courts order with his power passion.

It is opt to mention here that some portion of the vending zone (North-east Side) are totally incomplete and some portion only iron rod are affixed till foundation level. Now the Opp. Parties are trying to complete the same by disobeying the order of this Hon'ble Court.

7. That O.P. No-4 who is well aware of the order being present in the court trying to create a unstable situation by violating the order of this Hon'ble Court. The project is under construction and there is an interim order dated



20.05.2025. But in order to openly defy the order of this Hon'ble Court by opening one of the half constructed shop. This action shows that with ulterior motive the authorities are trying to falsely show that the construction is over which is not a fact. This conduct of the Opp. Parties shows their malafide intention.

8. That now there is law and order situation occurs as the Opp. Parties trying to forcibly construct the vending zone which creates confrontation between public and contractors under the Opp. Parties.

So in such circumstances a direction may be issued to the local police for implementation of this Hon'ble Courts order dated 20.05.2025 and take appropriate legal action against the wrong doers and also maintain law and order situation over the said vending zone area.

A copy of the photo copies are filed herewith And marked as Annexure-4."

After the special notice was circulated, being informed by the learned Additional Government Advocate, the C.M.C. Commissioner, Mr. Patra and D.C.P., Cuttack Mr. Khilari Rishikesh Dnyandeo appeared through virtual mode. The I.I.C., Malgodown Police Station also joined from the spot where the construction activities are stated to be going on in contravention of the interim order passed by this Court earlier. The C.M.C. Commissioner, Mr. Patra gave a peculiar explanation that after the order was passed on 20.05.2025, he had asked the Engineering Department and some Officers of the C.M.C. to see



that the interim order is not flouted in any manner, however, he expressed kind of helplessness and submitted that some hooligans have started construction work in violation of the interim order passed.

From such submission of C.M.C. Commissioner, it is apparent that the averments taken in the interim application regarding violation of interim orders passed by this Court particularly in the paragraphs no.3, 4, 6, 7 and 8 as quoted above, are prima facie correct. The I.I.C., Malgodown Police Station present at the spot joined the platform of the Court proceeding and also showed the live video footage of the construction work, which shows to be partly done with some portion covered with Galvanised Iron Roof.

When the order was passed on 20.05.2025 in the presence of the C.M.C. Commissioner, it was nonetheless his bounden duty to see that no one should flout the same, more particularly when the matter was brought to the notice of I.I.C., Malgodown Police Station. It is unfortunate that no steps have been taken immediately by the authorities concerned to prevent such activities and as stated by the Commissioner, C.M.C., 'hooligans' have dared to violate the orders of this Court dated 20.05.2025.

We are of the view that on the face of records, it



appears that the C.M.C. Commissioner has flouted the order of this Court dated 20.05.2025 as the construction of shop rooms that was initiated by the C.M.C. was directed to be stopped. The Commissioner is responsible for the acts of commission and omission those have happened after the orders were passed in his presence.

Law is well settled that whenever there is a deliberate flouting of the order of the Court, it amounts to contempt and it becomes the duty of the Court to exercise its inherent power to set the wrong right as a party cannot be permitted to perpetuate the wrong by disobeying the order further. (Ref: **Palitana Sugar Mills Pvt. Ltd. And Anr. -Vrs.- V. Vilasiniben Rama Chandran and others: (2007) 15 SCC 218; C. Elumalai and others -Vrs.- A. G.L. Irudayaraj and Anr.: A.I.R. 2009 S.C. 2214**).

The C.M.C. Commissioner, however states that by today evening, he will take necessary steps to protect the entire area by putting barbed wire fencing with iron/concrete pillars, to see that no one could enter in that area and no vending /other activities are carried out in that area. The motorable portion of the public road along with some portion which is to be used by pedestrians shall be left uncovered. The rest of the entire area shall be barricaded/fenced and protected



by Municipal Authority.

The D.C.P. has also assured this Court that through the I.I.C., Malgodown Police Station and other police officials, he shall ensure that the interim order passed on 20.05.2025 is complied with in its letter and spirit and anyone who tries to violate the same, he shall be appropriately dealt with in accordance with law.

The Commissioner C.M.C. through has failed to ensure compliance assures to enforce the order in its letter and spirit.

Put up this matter on the date fixed i.e. 30.06.2025.

Detailed affidavit by the C.M.C. Commissioner so also by the D.C.P., Cuttack shall be filed regarding the steps taken to carry out the order dated 20.05.2025 passed in I.A. No.5970 of 2025 and also the order passed today in this interim application.

Free copy of this order be handed over to the learned counsel for the State for compliance.

(S.K. Sahoo)
Vacation Judge

(M.S. Sahoo)
Vacation Judge



I.A. No.8884 of 2025

6. Mr. Nanda does not want to press the present I.A. since the I.A. No.8883 of 2025 has been taken up. I.A. is disposed of accordingly.

(S.K. Sahoo)
Vacation Judge

(M.S. Sahoo)
Vacation Judge

GS/Radha