



IN THE HIGH COURT OF ORISSA AT CUTTACK

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

CNR No. ODH010045202020

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

.... ***Petitioner***

Mr. L. Samantaray, Sr. Advocate
President, OHCBA

Mr.P.K.Mohapatra, Advocate
Vice-President, OHCBA

Mr. Hrudananda Mohapatra, Advocate
Secretary, OHCBA

-versus-

State of Odisha and Others

.... ***Opp. Parties***

Mr. Debasis Nayak,
Additional Government Advocate &
Advocate for the KMC

Mr.D.P.Dhal, Sr. Advocate
Mr.Dayananda Mohapatra, Advocate for CDA

CORAM:

MR. JUSTICE K.R. MOHAPATRA

MR. JUSTICE V. NARASINGH

ORDER

29.08.2026

These matters are taken up through hybrid arrangement
(video conferencing/physical mode).

**Order No
515**

29.08.2026

**1. CONDITION OF ROADS AND WATER LOGGING IN
DIFFERENT AREAS OF KMC**

1. The issues relating to the state of main roads, which are under the works department as well as the arterial roads maintenance of which is the responsibility of KMC, had clogged the board of this Bench since 2020 and the repeated



orders, which have been passed, are a testimony of administrative apathy.

Order sheet(s) of this Bench replete with directions calling upon the concerned authorities to take steps for making the roads motorable, are culled out hereunder to put the issue in perspective;

“Order No.151 dated 12.09.2024

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The authorities concerned shall take immediate steps for repairing the damaged roads in the aforesaid 15 wards and submit the progress report with the affidavit to be filed.

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Order No.180 dated 03.10.2024

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The Advocate’s Committee pointed out water logging and the miserable condition of the roads in Ward Nos.3, 6, 7, 10, 11, 12 and 13. The C.M.C. Commissioner has assured that immediate steps shall be taken to address the water logging problems so also repairing the roads.

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Order No.196 dated 30.10.2024

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In the status report, it is submitted that some of the construction works have been submitted for technical sanction and for some of the works, estimates have been prepared and some of the roads



including the roads of Ward No.2 belong to R & B Department.

We asked Mr. Pravas Kumar Majhi, Superintending Engineer, R & B Division, Cuttack who appeared through virtual mode as to whether Ward No.2 where construction work of CC road and repair from Bidanasi Gosthi Swasthya Kendra to Satapathy Babu, Bidanasi is necessary, belongs to R & B Department, he states that it belongs to C.M.C which indicates that there is patent lack of coordination between C.M.C. and R & B Department and one Department is trying to shift the onus to the other Department.

This Court does not appreciate the statements made by the officials who are in such a high position. In the remarks column, the time frame for completing the works is conspicuously absent.

Mr. Patra, the C.M.C. Commissioner submitted that all the works which are mentioned under the heading of "Status of Road" would be completed by end of November, 2024.

We observe here that earlier a statement was made before this Court by Mr. Patra, the C.M.C. Commissioner to complete all the road works in different wards by Durga Puja Festival which has not been done. Now, he is seeking extension till end of November, 2024. If the aforesaid works are not completed by end of November, 2024, this Court



would be constrained to take serious note thereof and to initiate the follow up action.

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Order No.219 dated 12.12.2024

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In pursuance of the order no.196 dated 30.10.2024, the City Engineer, Cuttack Municipal Corporation filed a compliance report dated 10.12.2024 wherein it is mentioned that steps have already been taken by the C.M.C. to repair and re construct the roads, the details of which were given by the Advocates' Committee.

Out of 105 nos. of road and drain works, 64 nos. of works have been completed. Similarly, 6 nos. of roads belong to R & B Division-I, Cuttack and 35 nos. of works come under the category like work under progress, private road and road is in good condition etc.

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Order No.304-D dated 21.08.2025

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The print and electronic media are regularly highlighting the poor condition of the roads in Cuttack City. This Bench on a number of occasions also expressed displeasure over the rough, bumpy pothole-filled state of roads of this millennium city, including recently repaired stretches that have quickly deteriorated with alarming alacrity,



suggesting shoddy work and lack of supervision. It was emphasized regarding taking stern action against contractors for sub-standard work and the need for contractual clauses that enable recovery of repair costs from contractors who failed to maintain standards. But, unfortunately the concern of this Court has obviously gone unheeded. The roads continue to be as bad as before if not worse. This Court is dismayed to note that there does not seem to be any accountability.

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Order No.307-D dated 26.08.2025

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Learned counsel for the CMC has produced the compliance report of the CMC dated 26.08.2025, wherein it is stated that regarding repair/reconstruction of damaged roads in CMC area before ensuing Durga Puja, as per decision taken in the last Council Meeting of CMC held on 22.08.2025, CMC will take pro-active steps for repair/renovation of all its damaged roads in war footing basis which will be completed before Durga Puja and all concerned Engineers of CMC have been directed to take immediate steps in this regard.

Ms. Kirandeep Kaur Sahota, IAS Commissioner, CMC is present through virtual mode. Affidavit shall be filed by the CMC placing on record the modalities for allowing developmental



work including roads in each Ward. Such affidavit should also include the response of the CMC for inclusion of 'defect liability clause' incorporated in the contracts executed by the Works Department so as to ensure accountability, in tune with contracts executed by the Works Department as noted above. It is needless to State in identifying the works to be undertaken primacy should be given to the interest of the community for which recommendations can be sought from the concerned resident committees or the Puja Committees.

The said affidavit to be filed by 02.09.2025 shall state ward-wise details in a tabular format mentioning therein the amount of funds sanctioned for each ward towards repair of roads under the supervision of CMC for Durga Puja for the year 2024 and the present condition of the said roads that were repaired last year (2024) along with the names of the Junior Engineer for each ward who had certified such works.

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Order No.312-C dated 04.09.2025

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Learned counsel for the CMC has produced the compliance report of the CMC dated 03.09.2025, wherein it is stated that regarding repair/reconstruction of damaged Roads in CMC area before ensuing Durga Puja, as per decision



taken in the last Council Meeting of CMC held on 22.08.2025, CMC will take pro-active steps for repair/renovation of all its damaged roads in war footing basis which will be completed before Durga Puja. All concerned Engineers of CMC have been directed to take immediate steps in this regard.

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Order No.333-C dated 25.09.2025

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It is a matter of concern that although in paragraph (vi) of the affidavit filed by the City Engineer, it is stated that Cuttack Municipal Corporation has already identified the list of roads for taking necessary steps for repair/renovation of all such damaged roads, list thereof is conspicuously not annexed to the affidavit.

This Court is of the prima facie view that such nondisclosure is a brazen attempt to escape scrutiny.

Let such list be placed on record by the City Engineer on the next date. The City Engineer shall also place on record the list of roads ward-wise which have been left out by the CMC, which according to the CMC do not require for the upcoming Durga Puja.

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Order No.337-A dated 09.10.2025

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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.

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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.

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2. The above exemplifies the repeated concern expressed by this Court and the blissful inaction on the ground.

Compliance affidavit(s) have not translated themselves to motorable roads and the scenario remains the same with an agonising cycle pot holes-repairs-onset of monsoon and again pot holes. It is akin to Shakespeare's 'grief' with a thousand Shrieks (King Lear, Act 2).

3. A road is not mere tar and stone. It's a lifeline under Article 19(1)(d) read with Article 21 of the Constitution. As serious concern was raised regarding the appalling state of roads, this Court had to seek the presence of the officials by its last order dated 27.08.2026.

4. Accordingly, Ms. Usha Padhee, Additional Chief Secretary, Housing and Urban Development Department, Government of Odisha, and Ms. Kirandeep Kaur Sahota, Commissioner, Kataka Municipal Corporation, appeared through virtual mode.

4.1. Mr. Sameer Hota, E.I.C.-cum-Special Secretary, Works Department, Government of Odisha, Mr. Satyabrata Behera, E.I.C. (Civil-cum-Roads), Mr. Biranchi Narayan Panda, C.C.E., Kataka Circle, Mr. Md. Shahbaz, Superintending Engineer, Kataka (R & B) Division-I and Mr. Jyoti Ranjan Pati, Superintending Engineer, Kataka (R & B) Division-II, appeared in person.

5. The Additional Chief Secretary, Housing and Urban Development Department, Government of Odisha, assures the Court that necessary steps shall be taken for the



construction, maintenance and repair of roads in Kataka city and a comprehensive plan in this regard is being worked out. She further submits that a Detailed Project Report (DPR) is being prepared for proper discharge of storm water so as to address the problem of waterlogging at different places in Kataka city, particularly during the rainy season.

6. The Special Secretary, Works Department, Government of Odisha, submits in detail the special proposal for repair of roads under Kataka R & B Division-I. The list so filed is taken on record. He undertakes to file an affidavit providing the details of the steps taken in that regard, along with the timeline for completion of the repair works of the roads in Kataka city. It is further submitted that appropriate modalities shall also be adopted in respect of the roads falling under Kataka R & B Division-II.

7. Let the affidavit be filed within a period of seven days hence.

8. The Commissioner, Kataka Municipal Corporation, who is also the Vice-Chairman of the Kataka Development Authority (KDA), appearing through virtual mode, submits regarding the construction and repair of roads in KDA, Section-13. It is submitted that, upon completion of the construction and repair works of the roads in KDA, Section-13, the same shall be handed over to the Kataka Municipal Corporation (KMC) for maintenance.

9. So far as the arterial roads are concerned, Mr. Nayak, learned counsel appearing for the KMC, on instructions, submits that 70% of the arterial roads are in good condition.



10. It is difficult to accept such submissions, taking into consideration the concerns raised more particularly, by the learned Members of the Advocates' Committees of the concerned Wards.

10.1. Be that as it may, Mr. Samantaray, learned Senior Advocate and President of the High Court Bar Association, submits that the concerned Advocates' Committees shall, in the meantime, visit their respective Wards and submit a comprehensive report in respect of the arterial roads under the KMC within seven days hence.

11. Put up this matter on 10th September, 2026 along with I.A. No.12173 of 2025, for further consideration.

12. The personal appearance of Ms. Usha Padhee, the Additional Chief Secretary, Housing and Urban Development Department, Government of Odisha, is dispensed with for the time being. The other officers may appear through virtual mode on the next date of hearing for proper adjudication of the issues involved.

13. Kafka wrote in The Castle, “there is infinite hope but not for us”.

We persuade ourselves to disagree with sanguine trust that assurance of the executive under the leadership of no less than Ms. Usha Padhee, IAS, Additional Chief Secretary, Housing and Urban Development Department, Government of Odisha will fructify and visible changes will be seen and felt on the streets of this millennium city and not confined only to the series of affidavits/compliances.



14. List this matter on 10th September, 2026 to consider the onset of such change.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

516.
29.08.2026

BIJU PATTNAIK PARK

1. Appearance memo filed by Mr. D.P. Dhal, learned Senior Advocate is taken on record.
2. This Court took stock of the state of the Biju Pattnaik Park on 27.08.2026 during its visit around 6:30 P.M. The learned Registrar (Judicial) of this Court and Mr. D.P. Dhal, learned Senior Advocate representing the SGBL, Mr. D. Mohapatra, learned Senior Advocate representing the Kataka Development Authority, Mr. Nayak, learned Additional Government Advocate, Mr. L. Samantaray, learned Senior Counsel and president of Orissa High Court Bar Association and Mr. B.B. Choudhury, learned counsel, accompanied.
3. Learned Registrar (Judicial) of this Court submitted his observations with regard to the lapses & deficiency in the management and maintenance of the park in a note sheet along with the photographs & videos clicked during the visit submitted in a USB pen drive. Both the note sheet and the pen drive shall form part of this order.



4. For better appreciation, the following lapses and deficiency in the management and maintenance of the park as observed by the learned Registrar (Judicial) of this Court, are stated hereunder:-

- Adequate lighting arrangements were not available in the Park, and several areas were found to be steeped in darkness which would prompt anti-social activities and make it unsafe for the visitors.
- Waterlogging was noticed in several areas of the Park.
- The bushes and vegetation along the boundary wall had not been properly cleaned or maintained.
- The internal roads/pathways of the Park were found to be in poor condition and the same needs emergent maintenance and repair.
- The fountains were not functioning.
- Adequate drinking water facilities were not available.
- The toilets were found to be inadequately maintained and not properly cleaned.
- Though a Reception Centre is available, the same was found to be closed.
- Despite the Park covering a large area, adequate security arrangements were not found to be in place.
- The gymnasium area was found to be water logged.
- The jogging track was found to be completely damaged.
- The availability and adequacy of CCTV surveillance facilities require necessary attention. Out of reported 98



CCTV cameras covering the entire area of the Park, only few were found to be in functional condition.

5. As requested by the learned counsel for the parties, put up this matter on 10th September, 2026 for further consideration. The matter shall be taken up as the first issue on the said date.

6. Put up this matter on 10th September, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

517.

29.08.2026

TRAFFIC CONGESTION IN KATAKA CITY

1. The matter was taken up on 27.08.2026 and it was adjourned to be taken up today (29.08.2026) at 10.30 A.M. requiring personal appearance of the Collector, Kataka. But, inadvertently the date of personal appearance has been wrongly reflected as “29th September, 2026 at 10:30 A.M”.

2. Taking into consideration the urgency and observations made on 27.08.2026, it is directed that this issue shall be taken up on 3rd September, 2026 at 2:00 P.M. and the Collector, Kataka is directed to physically appear before this Court on the said date (03.09.2026, 2.00 P.M.) to address the issue, more particularly with regard to the observations made in Order No.514 dated 27.08.2026.



3. Put up this matter along with I.A. No.16844 of 2026 on 03.09.2026 at 2:00 P.M..

4. Registry is requested to communicate this order to the Collector, Kataka.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

s.s.satapathy