

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). (PIL) No.9451 of 2019

Maitree Sansad

....

Petitioner

Mr. Ajoya Mohanty, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Ishwar Mohanty, ASC

Mr. D. Nayak, Advocate for CMC

**CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN**

**ORDER
13.12.2022**

Order No.

19.

1. Learned counsel for the Petitioner has drawn the attention of the Court to the rejoinder affidavit filed by the Petitioner in response to the counter affidavit of the Cuttack Municipal Corporation (CMC). According to him, very little has been done on the ground to restore the Jalasaya.

2. Mr. Debasish Nayak, learned counsel appearing for the CMC has handed over an 'Appraisal Note' which *inter alia* encloses copies of the Minutes of the meeting held way back on 3rd June, 2019 pursuant to the directions issued in the present writ petition.

3. However, it is not known whether in more than three years since then effective steps have in fact been taken in terms of that meeting. There is also an issue of the non-handing over of Jalasaya by the State Government to the CMC which requires to be addressed. The stand of the CMC has been that till such time the actual transfer takes place, it will not be in a position to either maintain or preserve the Jalasaya.

4. Mr. Ishwar Mohanty, learned Additional Standing Counsel for the State seeks some time to respond to the 'Appraisal Note' submitted by the CMC to this Court. An affidavit be filed by the State Government, within four weeks from today with an advance copy to the counsel for the other parties, listing out a concrete steps taken for revival of and preservation of Jalasaya in Cuttack city by the State Government.

5. List on 19th January, 2023.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

MRS/Laxmikant

