

08. W.P.(C)12P2015No.3979 of 2015 Heard learned counsel for the respective parties.

Mr.S.K.Nayak, learned Senior Advocate appearing for the Cuttack Municipal Corporation draws our attention to Para-9 of the counter affidavit filed by the Addl. Commissioner, Cuttack Municipal Corporation which reads as follows:

9. That after detailed verification/ examination by the above Committee, it was found that out of applications received, only 2 (two) Mandaps namely Haramani Mandap, Sikharpur, Cuttack and Windsor Place, CDA-6 Cuttack were found eligible to obtain license subject to cancellation, if any obstacle relating to Traffic hindrance is found in future.

On a query from the Court as to whether the Windsor Place, CDA-6 Cuttack has parking place or not, Mr. Nayak, learned Senior Advocate states that the area shown as parking place by the applicant is not being used for parking but for ancillary purposes and similar is the answer in case of Haramani Mandap at Sikharpur.

Accordingly, the Commissioner of Cuttack Municipal Corporation is directed to file an affidavit day-after-tomorrow i.e. 03.12.2015, indicating the location of the parking place and the number of the vehicles that can be parked within that area and also to confirm that at the said parking places are actually used for the purpose of parking or not since it is a well known fact that there is no parking space within the location of such Mandap and the vehicles are being parked on the main road in front of the Mandaps. He is further directed to indicate in such affidavit that, in such circumstances, whether grant of licences to such Mandaps would be appropriate.

In course of argument, it is also brought to our notice that there is factual dispute regarding the actual number of Mandaps operating within the Cuttack city. While the DCP, Cuttack in his affidavit has stated that there are 128 Mandaps, the Addl. Commissioner of CMC, Cuttack, in his affidavit has stated that there are 180 Mandaps. Other learned counsels appearing for the intervenors submit that there are 213 Mandaps operating in Cuttack city.

Therefore, we direct the DCP, Cuttack to convene a meeting in his office at 2.00 P.M. tomorrow (02.12.2015) with the representatives of CMC, CDA and the intervenors and prepare a consolidated list of actual number of Mandaps operating in Cuttack city, their locations, the total area/size of such Mandaps and the availability of parking space.

Such list be filed by way of an affidavit before this Court on the next date.

List this matter day-after-tomorrow (03.12.2015) at 2.00 P.M.

Free copy of this order be handed over to the learned counsels for the State, CMC, CDA and intervenors.

..

I

.Mahanty, J.

.....

S.C.Parija, J.

Ranjan