

03.12.2015

Heard Mr. Arun Kumar Budhia, (learned Amicus Curiae) and Mr. U. C. Patnaik, learned counsel for the petitioners, Mr. Nayak, learned Sr. Advocate for the C.M.C., Mr. Mohanty, learned counsel for the C.D.A., Mr. Pattnaik, learned Additional Government Advocate for the State and Mr. Mishra, learned Sr. Advocate appearing for the interveners.

Pursuant to our direction dated 01.12.2015, a meeting was convened on 02.12.2015 by the D.C.P., Cuttack where Commissioner of C.M.C., representatives of the C.D.A as well as Mr. Pradip Kumar Pattnaik, learned counsel for the interveners had appeared. In the resolution of the said meeting, the D.C.P. has stated that since time limit was very less and verification requires further time, the Commissioner, C.M.C. has been requested to appraise the Honble Court for submission of list within two weeks after physical verification of the same. It is stated in the said resolution that a sub-Committee has been formed at the said meeting to physically verify the details and prepare a consolidated list of actual number of Mandaps operating in Cuttack city and complete the process within two weeks for submission of the same before the Honble Court in the shape of an affidavit. The names of the members of the sub-committee have been indicated in the said resolution.

In consideration of the above, we direct that Shri Arun Kumar Budhia, learned Amicus Curiae shall also form part of the sub-committee created by the D.C.P., Cuttack and the Sub-Committee shall carry out the responsibilities cast upon it in terms of the decisions taken at the meeting convened by the D.C.P. and to submit a report before this Court after two weeks.

Mr. Nayak, learned Sr. Advocate appearing for the C.M.C. submits that although there is certain dispute regarding the actual number of Banquet Halls/Mandaps available within the C.M.C. area but, from the list of 180 Banquet Halls available with C.M.C., a total of 57 applications for sanction of license have been received by the C.M.C. till date.

It is submitted on behalf of some of the interveners that the marriage season is in progress and there is great need for providing such accommodation for conducting such ceremonies.

Insofar as the persons, who have made applications for license to the C.M.C are concerned, we pass the following interim orders:

1. The applicants shall file an undertaking before the C.M.C. stating that they shall abide by the terms and condition of any direction that may be passed by this Court.
2. The undertaking shall also indicate that the applicant shall make such parking arrangements at their locations which shall not cause any impediment for smooth flow of traffic and no public roads shall be used for such parking.
3. The Police Authorities/C.M.C shall also depute an Inspector to inspect compliance of these directions and wherever the directions are not complied with, action as necessary under law be initiated and the same be brought to the notice of this Court.

Insofar as the 57 applicants are concerned, the C.M.C. is free to collect garbage fees in accordance with their rules without prejudice to the out come of the inspection that may be carried out by the Sub-Committee and subject to further directions that may be passed herein. The parties who are operating the Mandaps/Banquet Halls are free to make application to the C.M.C. for issue of necessary licenses. In the event, such applications are made; the aforesaid interim order shall also stand extended to them on the self same terms and directions.

The Sub-Committee shall carry out through investigation of the locations as well as suggest the maximum number of people who can be permitted to use such Mandaps. Further we also direct that the Banquet Halls/Mandaps must take necessary licenses from the concerned police authorities for operation of any music system in accordance with the Rules of Orissa Fire Works & Loud Speaker (Regulation) Act, 1958.

The Sub-Committee shall also enquire into the applications which have been turned down by C.M.C. and till such reconsideration, such applicants shall be treated as applicants for the purpose of this order.

List both this writ petitions in the second week of January, 2016.

Free copy of this order be handed over to Mr. S.K. Nayak, learned Sr. Advocate for the C.M.C. and Mr. J. Pattnaik, learned Additional Government Advocate for the State.

Registry is directed to serve copies of the entire orders passed in W.P.(C) (PIL) No.3979 of 2015 on Mr. Arun Kumar, learned counsel appointed as Amicus Curiae by 07.12.2015.

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S.C. Parija, J.