

13. 10.8.2016 Heard Shri J.K. Mishra, learned Senior Advocate appearing for the petitioner and Shri S.K. Nayak, learned Senior Advocate for Cuttack Municipal Corporation. This application has been filed by the Orissa Nari Seva Sangha for modification and/or clarification of the orders dated 01.12.2015, 03.12.2015 and 16.03.2016.

Learned counsel for the petitioner submits that Orissa Nari Seva Sangha is a very old registered society of women of Orissa, involved in promoting all kinds of social, educational and welfare activities for women and children in the State. The petitioner Sangha has its building and adjacent land surrounded by boundary wall at Buxi Bazar, Cuttack. For carrying out its philanthropic and charitable activities, the petitioner Sangha provides its community hall and the adjacent vacant land for holding exhibition of Textiles, Furniture, etc. and also for marriage functions, especially for persons belonging to economically backward class. The petitioner Sangha does not use its premises for commercial activities and the revenue generated from the exhibitions and marriage functions is utilized for achieving its aim and object. It is submitted that there is sufficient vacant space within the premises of the petitioner Sangha for parking of vehicles and therefore, there will be no impediment in the free flow of traffic during the functions held in the premises of the petitioner Sangha.

It is submitted that pursuant to the orders of this Court dated 01.12.2015, 03.12.2015 and 16.03.2016, the Cuttack Municipal Corporation has issued a notice dated 20.4.2016, wherein it has been stated that as the petitioner Sangha has not applied for issue of licence for operating Kalyan Mandap/Banquet Hall in its premises within the stipulated period, the petitioner Sangha is restrained from utilizing its premises for any such commercial activities as per the Annexure-NSS/1 to the application.

Learned counsel for the petitioner submits that to avoid future complications and in order to comply with the orders of this Court, the petitioner Sangha has already applied to the Cuttack Municipal Corporation for issue of necessary licence. It is accordingly submitted that as the petitioner Sangha has already applied for the licence, the order dated 16.3.2016 be suitably modified and/or clarified.

Considering the submissions made and keeping in view the fact that the petitioner Sangha has already applied for licence for operating Kalyan Mandap/Banquet Hall, the petitioner is permitted to utilize its premises for public functions, subject to the conditions enumerated in our order dated 03.12.2015.

The order dated 16.3.2016 stands modified to the said extent only.

Misc. Case is accordingly disposed of.

Issue urgent certified copy as per rules.

nty, J.

I. Maha

S.C. Parija, J