

17. 09.11.2016

In the affidavit dated 3.8.2016, filed by the Commissioner, Cuttack Municipal Corporation has been stated that in the meeting of the Committee, constituted by this Court, it was decided that while considering grant of licence to the Kalyan Mandaps/Banquet Halls, the following guidelines shall be applied, which are as under:

- a) The building/hall will be assessed as a commercial holding and yearly holding tax as applicable will be paid in advance.
- b) Annual Users Fees for collection of waste of Mandap will be paid in advance and Garbage bin to be kept by the Mandap should be accessible. No garbage shall be thrown outside/on public road.
- c) NOC from CDA shall be obtained for new granting licence to Mandaps with regard to plan approved and provision made for parking. Joint Squad of CDA and CMC will inspect such buildings with ACP Traffic before granting license.
- d) In case of CDA Scheme Area (like Mahanadi Vihar/Bidanasi), CDA will specifically indicate if mandaps (existing/new) can be allowed on leasehold plots allotted for residential/other purposes and in residential areas.
- e) In respect of leasehold lands in other areas of city, individuals/institutions intending to get licence for Kalyan Mandaps on the said land, shall submit NOC of concerned Government authorities, who have sanctioned lease.
- f) Owners of vacant lands using the same for Marriage and other functions shall get license from CMC.
- g) Persons using Government land/building/ structure and community hall/land as well as Government aided institutions using their own premises for similar functions and public congregations shall take permission from the concerned authorities, CMC and Police and shall deposit user fees for solid waste management and post-function cleaning activities. The rate will be fixed by CMC taking into consideration the extent of area.
- h) In case of old Mandaps/Banquets Halls, which have been functioning at least for last 5 years, minimum 20% of the built up area shall be made available for parking purposes (against statutory requirement of 40%) with condition that there shall be no parking on public roads.
- i) In case of New Kalyan Mandaps/Banquet Halls which will come up, Parking area shall be 40% of the built up area as per prescribed norms with condition that there shall be no parking on public roads.
- j) The designated/earmarked parking place shall not be utilized for any other purpose such as food court/musical concert etc.
- k) Licence shall not be granted unless required parking areas is available and verified by Team comprising representative of CMC/CDA/DCP. Due parking signage shall be displayed. Licence shall be revoked if it is found that earmarked parking is otherwise used.
- l) The owner/operator of the Mandap/Banquet Hall shall deploy Security personnel to facilitate organized parking and free flow of traffic in the area.
- m) Mandaps shall install CCTV, fire extinguishers and ensure that there is no noise pollution beyond the prescribed time and decibel.
- n) Mandap owners shall inform the local Police Station/ACP (Traffic), Cuttack dates of booking of function.
- o) A squad will be formed under the supervision of the ACP (Traffic), Cuttack to visit Mandap/ Banquet Hall as per the information supplied by the Mandap Owners as stated above to ensure that there is no parking on public roads. In case of violation, fine may be imposed against the owner of the Mandap/Banquet Hall @ Rs.10,000/- for 1st instance and Rs.20,000/- for subsequent instance and the fine amount may be shared between TMC and CMC. License shall be cancelled for any further violation.
- p) Local Police Station will ensure there is no parking on public road and no traffic congestion.
- q) No gate shall be erected obstructing/ encroaching public road.

While accepting the aforesaid guidelines, we direct the Cuttack Municipal Corporation to consider applications for grant of licence for operating Kalyan Mandaps/Banquet Halls strictly in terms of the said guidelines and those who do not fulfill the said guidelines, steps shall be taken by the Corporation to seal the premises.

An affidavit has been filed by the Additional Commissioner, Cuttack Municipal Corporation, in Court today, which is taken on record.

In the said affidavit, it has been stated that 31 nos. of Kalyan Mandaps/Banquet Halls have been granted conditional licence for operating their Mandaps/Banquet Halls and 49 applications of Mandaps/Banquet Halls have been rejected, as they do not fulfill the aforesaid guidelines and have inadequate/ no parking space. Further, applications for grant of licence of 30 nos. of Kalyan Mandaps/Banquet Halls are pending consideration.

It is further stated in the said affidavit that 3 nos. of Mandaps, i.e . Sriram Mandap, Jobra under Malgodown Police Station, Chimanka Celebration, Kaligali, under Lalbag Police Station and Function Palace, Sutahtat under Lalbag Police Station are organizing functions in the Mandaps by violating the orders of this Court and also the orders/instructions issued by the Cuttack Municipal Corporation, for which, FIRs have been lodged against them in the concerned police station, as per Annexure-A series to the affidavit.

So far as Kalyan Mandaps/Banquet Halls, who have been granted conditional licence to operate, Corporation shall ensure that they comply with the aforesaid guidelines prescribed by the Committee. As regard the Kalyan Mandaps/Banquet Halls, whose applications for licence have been rejected, it is open for such Kalyan Mandaps/Banquet Halls to file representation before the Corporation indicating the fulfillment of the aforesaid guidelines, which shall be considered by the Corporation and on inspection, if it is found that the prescribed guidelines has been complied in the meantime, those Kalyan Mandaps/Banquet Halls shall be permitted to operate. However, those Kalyan Mandaps/ Banquet Halls whose applications for licence have been rejected for not fulfilling the aforesaid guidelines, the Corporation shall take immediate steps to seal those premises.

As regard the Kalyan Mandaps/Banquet Halls, whose applications for grant of licence are pending consideration, the Corporation shall consider the same strictly in accordance with the aforesaid guidelines and dispose of the same as expeditiously as possible, preferably within two weeks hence.

Coming to the 3 nos. of Kalyan Mandaps/Banquet Halls, who have willfully violated the orders of this Court as well as the orders/instructions issued by the Cuttack Municipal Corporation, the I.I.C. of the concerned Police Stations are directed to register the written complaint of the Corporation as FIRs and proceeded against the accused persons in accordance with law.

The Corporation authorities are directed to take immediate steps to seal all the premises of the aforesaid 3 nos. of Kalyani Mandaps/Banquet Halls, who are operating in gross violation of the orders of this Court and the orders/instructions of the Corporation.

The D.C.P., Cuttack, is directed to provide necessary police assistance to Corporation official to carry out this order.

Compliance affidavit shall be filed by the next date.

Put up this matter on 23.11.2016.

Free copy of this order be handed over to the learned counsel for the State, learned counsel for the CMC and learned Amicus Curie.

I. Mahanty, J

J.

S.C. Parija,