

I.A. No.13932 of 2018

38. 16.03.2021
1. Heard Mr. A.K. Budhia, learned Amicus Curiae; Mr. M.S. Sahoo, learned Additional Government Advocate for the State and Mr. D. Nayak, learned counsel for the Cuttack Municipal Corporation (CMC).
 2. This application has been filed on 3rd September 2018, by Mr. A.K. Budhia, learned Amicus Curiae, *inter alia*, pointing to the fact that the conditional licences have been granted by the CMC to certain Mandaps. They have been issued conditional licences that are contrary to the guidelines laid down by this Court in its order dated 9th November, 2016.
 3. It appears that although no formal notice has been issued in the present application, this Court on 2nd December 2019, directed the CMC to place on record “the details about the Mandaps which are in violation of the statutory Rules and why the licence of such Mandaps should not be suspended forthwith”. Further, the Court directed the Deputy Commissioner, CMC to examine all 73 Mandaps, including those owned and managed by the CMC, and submit a report regarding each of the Mandaps which were not in compliance with the statutory requirements.
 4. Pursuant to the above order, an affidavit was filed by the Deputy Commissioner of CMC on 16th December 2019, enclosing a list of new Mandaps (Annexure-A/1) and old Mandaps (Annexure-B/1 series). It was ascertained that as far as new Mandaps were concerned, they were 35 in number. Their licences had not been renewed. Of

these, only one Mandap had obtained NOC from the CDA in terms of the guidelines laid down by the Court in its order dated 9th November, 2016.

5. As far as old Mandaps were concerned, they were 39 in number. Conditional licences of 27 Mandaps were to be considered for renewal. Licences of three Mandaps were not to be renewed. In the case of the remaining 9 Mandaps, “further details had to be examined before renewing the licence.”

6. In paragraph 5 of the said affidavit, it is stated that expeditious steps were being taken to locate the Mandaps operating without informing the local police station regarding the date of booking, by surprise check and award of fine as provided in the guidelines.

7. However, thereafter it does not appear that any affidavit or report has been filed by the CMC.

8. On 23rd December 2019, again a detailed order was passed reiterating the conditions on which CMC would allow operation of Mandaps on the dates on which the bookings had already been made. It was made clear that the Mandaps which were not complying with the amended Regulations consequent upon the order dated 9th November 2016, of the Court “will not be allowed to operate with effect from 1st January, 2020.”

9. There has been no updated status report filed by the CMC on whether the above order was strictly complied with. It is also not clear what action the CMC took as proposed by it in Paragraph 5 of the affidavit filed on 16th December, 2019.

10. The Court directs the Deputy Commissioner of CMC to file an updated status report in the form of an affidavit, on the manner in which the CMC has complied with the orders dated 2nd December 2019, and 23rd December 2019, passed by this Court. A complete list of all old and new Mandaps that are continuing to operate and the status of their compliance with the regulations will be enclosed with the affidavit. The affidavit will be filed not later than 5th April 2021, with an advance copy to learned Amicus Curiae and all other learned counsels.

11. List on 13th April, 2021.

12. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge