

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.6738 of 2022

Nibedita Mohanty

....

Petitioner(s)

Mr.R.K.Patnaik, Advocate

-versus-

Commissioner, Bhubaneswar Municipal Corporation & Anr.

....

Opp.Party(s)

Mr. Bibhudendra Misha,
Advocate

**CORAM:
JUSTICE BISWANATH RATH**

ORDER
04.04.2022

Order No.

1.

1. Heard learned counsel appearing for the petitioner.

2. Once the petitioner has brought to the notice of the Bhubaneswar Municipal Corporation that her house is facing water logging during heavy rains, the Municipal Corporation has the bounden duty to take care of the difficulties brought to the Municipal Corporation by the person having a holding in the Municipal Corporation in the process of considering the complaint. Municipal Corporation should not forget that petitioner is Municipal duty prayer. Petitioner alleges that Municipality has come forward with an advertisement to purchase some land to work out proper drainage passage to find there is no water logging in the area. It is at this stage, it appears, petitioner makes an application to the Municipal Corporation to purchase their desired land to overcome such difficulties and claimed it should not only bank upon the lands under advertised. Petitioner express her anxiety but while disclosing purchase of land for the purpose, there is no involvement of land exist in the other side of the drain and there is some attempt to affect the petitioner only.

3. Considering the request vide Annexure-2, this Court observes once the petitioner has brought the difficulty faced by him to the

Corporation, it is for the Corporation to find out appropriate action by construction of proper drainage and to take decision which land will be suitable for the Corporation to have the proper discharge of rain water in the locality. Petitioner has no chance except to find that action undertaken by the Municipal Corporation, find problem of water logging gets resolved.

4. Considering the above, this Court in disposal of the writ petition directs the Municipal Corporation to take care of proposal submitted by the petitioner through her representation vide Annexure-2 while undertaking the Nala construction in the locality to take out the people in the local from the trouble of water logging in the process of construction of drain. The Municipal Authority shall ensure that after the investment, the water logging situation in the area does not remain. Petitioner is directed to provide copy of this order with copy of the writ petition to the Bhubaneswar Municipal Corporation to work out the direction. This Court records the appearance of the petitioner Mr. Bibhudendra Misha, learned counsel who usually appears for the Bhubaneswar Municipal Corporation.

(Biswanath Rath)
Judge