

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 34 of 2015

1. Rotary Club, Trans Arpa Through Secretary Rupesh Shrivastava, S/o Late Shri S. P. Shrivastava, Aged About 38 Years, Advocate, R/o Mahamaya Park Colony, House No. 8, Mangla, Bilaspur, Police Station Civil Line, District Bilaspur, (Chhattisgarh)
2. Kailash Chandra Khetrapal S/o Late Shri Hari Chandra Khetrapal, Aged About 75 Years, R/o New Sarkanda, Chhatterjee Gali, Bilaspur, Police Station Sarkanda, District Bilaspur, (Chhattisgarh)

---- **Petitioners**

Versus

1. The State of Chhattisgarh Through The Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Bilaspur, District Bilaspur, (Chhattisgarh)
3. The Commissioner, Municipal Corporation, Bilaspur, District Bilaspur, (Chhattisgarh)
4. The Gram Panchayat Lingyadih, Through Its Secretary Gram Panchayat, Lingyadih, Rajkishor Nagar, Bilaspur, (Chhattisgarh)
5. The Inspector General of Police, Bilaspur, District Bilaspur, (Chhattisgarh)
6. The Deputy Superintendent of Police (Traffic Incharge), Civil Line, Bilaspur, District Bilaspur, (Chhattisgarh)

---- **Respondents**

For Petitioners	: Shri Goutam Khetrapal, Advocate
For Respondent/State	: Shri Y.S. Thakur, Additional Advocate General
For Respondent No.3	: Shri Pankaj Agrawal, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, C.J.

04/07/2017

1. This writ petition is filed as Public Interest Litigation seeking an order to immediately remove unauthorized parking, illegal sign boards, hoardings, and also to keep away permanent and temporary hawkers and to repair and maintain the approach road from Basant Bihar Main Gate to Apollo Hospital, situated at Lingiyadih, Rajkishore Nagar, Bilaspur.
2. In this writ petition filed in 2015 with the passage of time, the State has placed its return including photographs pointing out that there is no more illegal occupancy and that trespassers have been removed and that for such purpose, a committee was constituted for removal of encroachments and action was taken by removing the encroachments.
3. The photographs produced by the petitioner predominantly show parking the vehicles. The eligibility of street vendors to adequate facility to carry on with their activities is laid down as referable to Article 21 of the Constitution, in the decision of the Apex Court in **Olga Tellis & Ors vs. Bombay Municipal Corporation & Ors. (1985) 3 SCC 545**. We are aware that much water has flown under the bridge after that decision was rendered and the concept of right to life in relation to such persons have not been permitted to be utilized by persons who trespass on to the streets in furtherance of their business activities. The Union of India has also come out with the Scheme for Urban Street Vendors. All

these aspects taken together, the eligibility of people who use the roads and the requirement of the vendors to eke livelihood have to be reasonably balanced.

4. Under the aforesaid circumstances, on facts and in law, it is necessary that the State Government and the Municipal Corporation do the needful to ensure that there is no hindrance to free traffic of vehicle through the road in question and also that appropriate steps are taken, as may be necessary, for rehabilitation of the street vendors.
5. In the result this writ petition is ordered directing the respondents to ensure that the road referred to about is appropriately maintained and preserved without encroachment and free from unauthorized parking vehicles, in any manner defeating the rights of people who uses those roads for free movement to different locations, including the hospital. Writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge