

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1885 of 2018**

Laxmi Tamrakar, aged about 45 years, W/o Prakash Chand
Tamrakar, Tamerpara, Durg (C.G.)

----Petitioner**Versus**

1. State of Chhattisgarh through Secretary Urban Development
Department, Mantralaya, New Raipur, District Raipur (C.G.)
2. Collector, District Durg (C.G.)
3. Municipal Commissioner, Durg (C.G.), Municipal Corporation,
Durg
4. Superintendent of Police, District Durg (C.G.)
5. City Superintendent of Police, District Durg (C.G.)
6. Market Incharge Durg Municipal Corporation Durg.

---- Respondents

For Petitioners	:	Smt. Usha Menon Advocate.
For Respondent / State	:	Shri Arun Sao, Dy. Advocate General.
For Municipal Corporation	:	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/07/18**

1. This writ petition has been preferred by the petitioner seeking direction to restore her shop on the premises on which she was earlier carrying out her business, as it has been removed unauthorizedly.
2. Learned counsel for the petitioner would submit that petitioner's business is protected under National Policy on Urban Street Vendors, 2009 and the Street Vendors Protection of Livelihood and Regulation of Street Act,

2014 and the action of respondents in removing/demolishing her workplace is arbitrary and unsustainable in law.

3. On the other hand, learned counsel for the respondents /State would submit that petitioner is an encroacher on the government land and her shop was creating obstructions for smooth traffic, therefore, the said encroachment was removed by Municipal Corporation, Durg in accordance with provisions contained in Chhattisgarh Municipal Corporation Removal of Obstructions and Encroachments from Streets (Notice) Bye-laws, 2018 and the petitioner will be rehabilitated in the place earmarked by Town Vending Committee as Vending Zone as per Act of 2014.

4. Learned counsel for the Municipal Corporation would submit that as per National Policy, survey has already been conducted and the meeting was convened on 10.05.2018 and in that proceeding, certain decisions have been taken. It is also submitted that rehabilitation policy in shape of Chhattisgarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015 has already been published. Notice has been issued to the petitioner.

5. I have heard learned counsel appearing for the parties and considered their rival submissions made herein above and also went through the record with utmost circumspection.

6. In an identical case of **Safdar Ali and Others v. State of Chhattisgarh and Others** in WPC No. 1263 of 2018, return has been filed by the respondent No. 3- Municipal Corporation, Durg, in which, it has been stated as under:

“2.....The petitioners No. 1,2,3,5,6,7 & 8 were

given notice dated 18.05.2018 for submitting document as was done by petitioner No. 4, because some of them has not been included in the list in survey list of 2010 and some are included in it, the notices of above said petitioners are collectively filed and in case they satisfy the answering respondent that they are in continuous business for 40 years as contend in this petition, they will be given rehabilitation as was given to others. The document is bound to be submitted by the petitioners on submitting of the same only after satisfying the respondent No.3 and to submit document for scrutiny of respondent No. 3, so that the person entitled for rehabilitation can be given rehabilitate in accordance with law.”

7. Accordingly, this writ petition is also disposed of in terms of paragraph 2 of the return filed by respondent No. 3- Municipal Corporation, Durg and also the order passed by this Court in *Safdar Ali and Others (supra)*. However, the petitioner is allowed to make representation for her rehabilitation to respondent No. 3- Municipal Corporation, Durg within a period of three weeks from the date of order, which shall be considered and decided by the Corporation in accordance with law expeditiously preferably within a period of two weeks from the date of receipt of representation. No cost(s).

SD/-

(Sanjay K. Agrawal)
Judge