

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2286 of 2018

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Md. Shadab Anjum, Son of Late Athar Hussain, Resident at-84 Athar Manzil
Subhash Chauk, Mohalla-Lal Bagh, Police Station-Town, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Darbhanga.
4. The Sub-Divisional Officer, Sadar, Darbhanga.
5. The Officer-in-Charge, Town Police Station, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 10-05-2019

The petitioner is aggrieved because the vegetable and fruit vendors are encroaching on the side of the public road in the town and district of Darbhanga.

In our opinion, it is definitely a matter of concern if the width of public road is reduced because a portion of the road is being utilized as a vending zone, but then a corresponding



responsibility is also on the concerned Municipal Corporation in failing to provide a suitable place to these vendors to vend their goods. It is because we have no vending zones as yet made functional in most cities, that such a situation arises.

The concept of a modern city by itself conceives existence of such vending zones and indisputably fruit and vegetable vendors are necessary part of such civic amenities. If these vendors in course of vending are encroaching on the public road, then all that we can observe for the present is that the Darbhanga Municipal Corporation has not only failed to tackle the problem in effective manner in creating vending zone for the vendors. Paragraphs- 6 and 7 of the counter affidavit filed on behalf of the District Administration though discloses their intention of creating such zones but no time line has been fixed.

In such view of the matter, and while reminding the District Administration which obviously would include the Darbhanga Municipal Corporation, of their bounden duty to create such vending zones, and as well bearing note of the stand taken by the District Administration at paragraph-6 of the counter affidavit, we would direct the Collector, Darbhanga to take necessary steps in execution of the exercise for creation of the vending zones as mentioned in paragraph-6 of the counter affidavit in consultation



with the Municipal Corporation, Darbhanga and also take appropriate steps for removal of encroachment in accordance with law within a period of three months from the date of production /receipt of a copy of this order.

With the observation and direction above, we dispose of the writ petition.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

mrl./-

AFR/NAFR	NAFR
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