

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15929 of 2015

Patna Nagar Footpoath Dukandar And Telha Hocker Union, a registered society having registration no. 2810, having it's office at lower, New Market, P.S. Kotwali, Town & District Patna, Through it's General Secretary, Mohd. Shahzaday Alam, s/o Sami Alam.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary Urban Development Department, Government of Bihar, Patna.
2. The Commissioner cum Chief Executive Officer, Patna Municipal Corporation, Maurya Lok, Patna.
3. The Deputy Chief Executive Officer, Patna Municipal Corporation, Maurya Lok, Patna.
4. The Chief Engineer, Patna Municipal Corporation, Maurya Lok, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Kishore Singh, Advocate
For the State	:	Mr. Manish Kumar, A.C. to AAG-6
For Resp. 2, 3 & 4	:	Mr. Prasoon Sinha, Advocate
For Resp. 7	:	Mr. Purshottam Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-04-2019 This writ application has been preferred seeking a direction to the respondents to implement their own decision towards rehabilitation/setting all the shopkeepers, howkers and Thela vendors at vendor zone at Serpentine Road i.e. Daroga Rai Path within the town of Patna and also to restrain the respondents from evicting from their present place of business until all the formalities of their rehabilitation at vending zone is complete.

Today a counter affidavit has been filed on behalf of respondent nos. 2, 3 & 4. In paragraph 3 (ii), (iii) & (vi) the



following statement have been made : -

“3(ii) Altogether 14 places were identified as vending zones in the first phase in the meeting of Town Vending Committee held earlier on 31.10.2017.

(iii). When the matter related to creation of vending zones in PMC area was brought to the notice of the deponent, a fresh meeting of Town Vending Committee was convened on 10.07.2018 headed by the deponent again in which all the members of the above-mentioned Committee, including police officers, Executive Officers, Member, Bihar Chamber of Commerce, all City Mission Managers, City Managers, Representative of NASVI and Town Level Federation (TLF) of Footpath Vendors were present.

(iv). The Construction works for creating vending zones at Kadam Kuan, Sabji Market and at Boring Canal Road from Hartali More to Rajapur Pul have already been started by the PMC. It is further submitted that all the vendors from Hartali More to Rajapur Pul would be adjusted in these two vending zones. In these vending zones all the civic facilities, like toilets and Parking zone have been envisaged.”

The counter affidavit further states that list of vendors from some other places have also been obtained and making of identity card of the vendors have already been in process and would be distributed soon among them. The stand of the answering respondents is that Patna has been selected as Smart City by the Government of India on 28.06.2017 under the Smart City Project Limited, an important project named “Railway



Station Areas Redevelopment” has been undertaken. Under the various components proposed in the Project, there are provisions for Smart City Complex, Municipal Markets and hawkers Complex also.

Taking note of the averments made in the counter affidavit, this court finds that the respondents are already taking appropriate steps towards the redressal of the grievances of the petitioner. However, the prayer of the petitioner that they should not be evicted from the present place of business until all the formalities of their rehabilitation at vending zone is complete cannot be granted by this court particularly when the counter affidavit states that Patna has been selected as a Smart City and under the multifarious project of the Smart City various development work has to be undertaken. It is entirely left to the respondents to ensure how the petitioner may be settled in accordance with the rehabilitation scheme and at the same time the development works of the Smart City do not get effected.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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