

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1010 of 2022

(Through hybrid mode)

Raju Kumar and Others

....

Petitioners

Mr. S.C. Puspalaka, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

*Mr. N. Panda, Advocate,
(For opposite party No.3)*

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

22.11.2022

Order No.

- 03.
1. Mr. Puspalaka, learned advocate appears on behalf of petitioners. He submits, his clients are street vendors. They have prayed for issuance of vending certificates in their favour, protection from harassment and eviction from their present places of vending. Further prayer is that if present place of vending is declared as non-vending zone then they may be relocated as per section 18 in Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.
 2. He relies on section 3 to submit, last survey was carried out in year 2015.
 3. Mr. Panda, learned advocate appears on behalf of Bhubaneswar Municipal Corporation (BMC). He submits, only

three out of several petitioners have street vending certificates. In the circumstances, there has been mis-joinder of those petitioners, except petitioner nos.1, 15 and 18. They could not together have filed the writ petition as having no jural relationship.

4. On query from Court Mr. Panda submits, last survey was conducted in year 2015. He submits further, Town Vending Committee was constituted on 28th December, 2012. Subsequently by notification dated 22nd June, 2022 present Town Vending Committee has been reconstituted.

5. He draws attention to paragraph-5 in the counter and submits without prejudice to the point of maintainability, petitioners have contravened the principles by constructing temporary structures over the road and drain and they are obstructing safe and ease of traffic movement, sanitary works. The local citizens are suffering.

6. BMC will take steps to conduct the survey in terms of section 3 and thereafter deal with petitioners' claim for street vending certificates. In event, some or all petitioners are denied issuance of street vending certificates, they will not be evicted till two weeks after they have been informed of the rejection.

7. The writ petition is disposed of.

(Arindam Sinha)
Judge

(S.K. Mishra)
Judge

P.Pradhan