

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14653 OF 2022

G. Chandra and others

.... Petitioners

Mr. P. Dash, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Sachidananda Nayak,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
10.06.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek to assail the action of Berhampur Municipal Corporation, Berhampur in evicting them forcibly by demolishing their shop rooms standing over different plots under Berhampur Municipal Corporation, Berhampur (for short, 'the Corporation').
3. It is submitted by Mr. Dash, learned counsel for the Petitioners that the Petitioners are running their business by putting of small shops over the land of Corporation since last 40 years and earning their livelihood. They are also paying license fee to the Corporation for such occupation. The Petitioners fulfill all the criteria for grant of benefit under of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short, 'the Street Vending Act'). Without conducting any enquiry for grant of benefit under the Street Vending Act, the Corporation issued notice on 24th September, 2021 under different provisions of the Orissa Municipal

Corporation Act, 2003 directing them to vacate the said land within a period of seven days. Hence, the Petitioners apprehending their eviction have filed this writ petition.

4. It is submitted by Mr. Dash, learned counsel for the Petitioners that since the Petitioners are running their business by putting small shops over the land of Corporation are earning their livelihood, the authorities of Corporation should have given an opportunity of hearing before issuance of notice for eviction. It is his submission that if the Petitioners are evicted from the land in question without providing them an alternative site, they will lose their livelihood. In that view of the matter, he prays for a direction to the Corporation to give them an opportunity of hearing and till consideration of their grievances their possession over the land in question may be protected.

5. Mr. Nayak, learned Additional Standing Counsel appearing for the State submits that since the Petitioners have grievance against Berhampur Municipal Corporation, they may approach the Commissioner or any other Authorized Officer of the Corporation for redressal of their grievances.

6. In view of the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioners, disposes of the writ petition with a direction that in the event the Petitioners submit their individual applications detailing the grievances before the Commissioner, Berhampur Municipality Corporation, Berhampur-Opposite Party No.3 within a period of seven days hence along with certified copy of this order, he shall do well to

consider the same either himself or by any other competent Officer so authorized by him in accordance with law, as expeditiously as possible, preferably within a period of fifteen days thereferom. Till disposal of such applications, if filed within the stipulated time, as aforesaid, no coercive action shall be taken for eviction of the Petitioners from the land in question, if they are not evicted in the meantime.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge



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