

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14738 of 2022

Naresh Chandra Nayak

....

Petitioner

Mr. S.Mohanty,
Advocate

-versus-

State of Odisha & others

....

Opposite parties

Mr.H.M.Dhal,
Addl. Government Advocate

CORAM:

JUSTICE BISWAJIT MOHANTY

MISS JUSTICE SAVITRI RATHO

ORDER

Order No.

11.07.2022

01. 1. Heard Mr.S.Mohanty, learned counsel for the petitioner and Mr.H.M.Dhal, learned Addl. Government Advocate.
2. According to Mr.Mohanty, the petitioner is a street vendor and has been issued with a certificate for street vending vide Annexure-1 and a street vending identity card under Annexure-2. Accordingly, he is carrying on fruit business for many years at Mangala Mandir Chhak, Ward No. 8, Bhubaneswar. Since the time period of street vending certificate has already expired; during course of hearing, learned counsel for the petitioner submits liberty may be granted to the petitioner to file an application before the Commissioner, Bhubaneswar Municipal Corporation (opposite party No3) for renewal of certificate and till a decision is taken on such representation the interest of the petitioner may be protected because he is under imminent threat of eviction. He also submits that the petitioner be also permitted to make a prayer for allotment of a

permanent kiosk before the authorities.

3. Considering such submissions and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to file a representation for allotment of the kiosk along with an appropriate application for renewal of certificate of vending in proper format as provided under Orissa Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015 before opposite party No.3 along with a copy of this order through speed post within a period of one week hence. In the event, such representation and application are received by the opposite party No.3 he/she is directed to take decision on the same in accordance with law within a period of four weeks there from and communicate the result of such exercise to the petitioner. Till a decision is taken on application of the petitioner for renewal of certificate of vending, no coercive action shall be taken against the petitioner.

4. The writ petition is accordingly disposed of.

5. Urgent certified copy of the order be granted on proper application.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

Kishore