IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14784 OF 2022

Ramesh Pradhan .... ***Petitioner***

Mr. Srinivas Mohanty, Advocate

-versus-

State of Odisha and others .... ***Opp. Parties***

Mr. Janmejaya Katkia,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE M.S. RAMAN

ORDER

Order No. **17.06.2022**

01. 1. This matter is taken up through hybrid mode.

2. The Petitioner in this writ petition seeks to assail the action of the Bhubaneswar Municipal Corporation (BMC) in taking coercive measure for eviction of chicken counter of the Petitioner situated at Ward No.8, Mangala Mandir Chhak, Sailashree Vihar, Bhubaneswar in the district of Khurda.

3. It is submitted by Mr. Mohanty, learned counsel for the Petitioner that the Petitioner is running his chicken counter at Ward No.8, Mangala Mandir Chhak, Sailashree Vihar, Bhubaneswar for more than 12 years.

4. It is further submitted that in furtherance of assurance of BMC authority in consonance with Sections 3 and 18 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 a survey was conducted in other areas of Bhubaneswar and street vendors certificate and identity cards have been issued, but the area where Petitioner is running his shop has not been surveyed. Instead BMC authorities are threatening time and again to evict the shop of the Petitioner. Finding no other

alternative, the Petitioner has approached this Court by filing the present writ petition.

5. Mr. Katkia, learned Additional Government Advocate for the State submits that since the Petitioner alleges coercive action by the BMC, he may approach the appropriate authority of the BMC for redressal of his grievances.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on merit of the case of the Petitioner disposes of this writ petition with a direction that in the event the Petitioner submits a representation to the Commissioner, BMC-Opposite Party No.3 along with relevant documents and information within a period of two weeks hence along with certified copy of this order, he shall do well to consider and pass a reasoned order thereon in accordance with law as expeditiously as possible preferably within a period of four weeks therefrom and intimate the same to the Petitioner.

7. Till disposal of such representation, if filed within the period stipulated hereinabove, no coercive action shall be taken for eviction of the Petitioner from chicken counter at Ward No.8, Mangala Mandir Chhak, Sailashree Vihar, Bhubaneswar, if not already evicted in the meantime.

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

(K.R. Mohapatra)
Vacation Judge

(M.S. Raman)
Vacation Judge

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