

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 18634 of 2022

Prasant Narayan Routray & Others

Petitioners

Mr. S.C. Puspalka, Advocate.

Vs.

State of Odisha & Others

Opposite Parties

Mr. H.M. Dhal, A.G.A.

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER
29.07.2022

Order No.

01.

1. Heard Mr. S.C. Puspalka, learned counsel for the petitioners and Mr. H. Dhal, learned Additional Govt. Advocate.

2. At the outset, Mr. Puspalka, learned counsel for the petitioners submits that the present writ application be permitted to be confined to petitioner nos. 1, 2 and 10 only, who are doing vegetables vending business. He further submits that the other petitioners be granted liberty to file fresh writ petition. Prayer as made is allowed. Accordingly, the present writ petition is confined to petitioner nos. 1, 2 and 10 only and the rest of the petitioners are permitted to withdraw from this case with liberty to file fresh writ petition/s.

3. Mr. Puspalka, learned counsel for the petitioners submits that petitioner nos. 1, 2 and 10 are vegetables vendors carrying on their business in Ward no.27 under Bhubaneswar Municipal Corporation. As per the letter dated 21.10.2019 issued by the Deputy Commissioner (Revenue), Bhubaneswar Municipal Corporation under Annexure-1, a

meeting was called on 23.10.2019 for identification of vegetable vendors of Indradhanu Market Complex. In the said meeting, it was decided that identification of site will be made by the survey team for rehabilitation of vegetable vendors in the nearby Govt. land and further a survey of vegetable vendors will be made. Thereafter, vide Annexure-3 dated 26.11.2019, OSD (Land) of Bhubaneswar Development Authority wrote a letter to the Deputy Commissioner (Revenue), Bhubaneswar Municipal Corporation that an area of Ac. 1.116 dec. has been identified as per the land schedule given in that letter for rehabilitating the vegetable vendors of Indradhanu Market. But till date, nothing has been done and while the petitioner nos. 1, 2 and 10 are carrying on their vegetable vending business, loudspeaker announcement has been made on 23.07.2022 directing the petitioners to vacate their place of business at Indradhanu Market within a period of seven days, failing which, necessary steps will be taken for their eviction. He further submits that when the land has already been earmarked for rehabilitating the vegetable vendors like petitioners no. 1, 2 and 10 under Annexure-3, without taking any steps for implementing such decision, now a move is on to evict them, which will ruin them financially.

4. Mr. Dhal, learned Additional Govt. Advocate submits that for redressal of such grievances, the petitioners should have approached the Bhubaneswar Municipal Corporation Authorities (opp. party no.3) drawing its attention to the letter under Annexure-3 instead of approaching this Court.

5. In such background, Mr. Puspalka submits that liberty may be granted to the petitioners no.1, 2 and 10 to approach the Commissioner of Bhubaneswar Municipal Corporation (Opp. party no.3) for redressal of their grievances and till a decision is taken on such motion, their

interest may be protected.

6. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to petitioner nos. 1, 2 and 10, namely Prasant Narayan Routray, Umesh Kumar Parida and Gopal Chandra Satapathy to approach the Commissioner of Bhubaneswar Municipal Corporation (Opp. party no.3) within a period of two weeks from today by filing their individual representations along with a copy of this order through Registered Post with A.D. In the event, such representations are received by the Commissioner of Bhubaneswar Municipal Corporation (Opp. party no.3), he/she is directed to take a decision on such representations, in accordance with law, within a period of four weeks from the date of receipt of such representations and communicate the result of such exercise to the petitioners. Till decision is taken on such representations, no coercive action shall be taken against the petitioner nos. 1, 2 and 10, subject to the condition that the said petitioners shall not obstruct free movement of pedestrians and traffics.

7. With the aforesaid observations and directions, the writ petition is disposed of.

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

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge