

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 20636 OF 2022

Subash Chandra Panda & others

***..... Petitioners
Mr. S.C. Puspalaka, Advocate***

-versus-

State of Odisha & others

***..... Opposite Parties
Mr. H.M.Dhal,
Additional Government Advocate***

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

25.08.2022

Order No.

01.

1. Heard Mr. S.C. Puspalaka, learned counsel for the petitioners and Mr. H.M. Dhal, learned Additional Government Advocate.

2. Mr. Puspalaka, learned counsel for the petitioners submits that petitioners are vegetables vendors carrying on their business in Ward No. 27 under Bhubaneswar Municipal Corporation. As per the letter dtd. 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 petitioners 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 under Annexure-3, without taking any steps for implementing such decision, now a move is on to evict them, which will ruin them financially.

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

4. In such background, Mr. Puspalka submits that liberty may be granted to the petitioners to approach the Commissioner of Bhubaneswar Municipal Corporation (Opposite Party No.3) for redressal of their grievances and till a decision is taken on such motion, their interest may be protected.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to petitioners to approach the Commissioner of Bhubaneswar Municipal Corporation (Opposite 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 (Opposite 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 petitioners subject to the condition that the said petitioners shall not obstruct free movement of pedestrians and traffics.

6. With the aforesaid observations and directions, the Writ Petition is disposed of.

7. Urgent certified copy of this order be granted as per rules.

(*Biswajit Mohanty*)
Judge

(*Savitri Ratho*)
Judge