

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21869 of 2022

Sakir Khan

....

Petitioner

*Ms. K. Patra,
Advocate*

-versus-

State of Odisha & others

....

Opp. Parties

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

**CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO**

ORDER

02.09.2022

Order No.

- 01.
1. Heard Ms. K. Patra, learned counsel for the petitioner and Mr. H.M. Dhal, learned Additional Government Advocate.
 2. According to Ms. Patra, the petitioner, who is carrying on the business of selling chicken since long is aggrieved by the inaction of the Commissioner, Bhubaneswar Municipal corporation (opposite party No.3) in taking a decision on his representation along with others dated 25.05.2022 under Annexure-4 praying for settlement of vending shed in favour of him.
 3. Mr. Dhal submits that unless a Certificate of Vending is issued, the petitioner cannot get the benefits under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and for the said purpose, the petitioner has to make an application under Form-II as provided under Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015 for obtaining a Certificate of Vending.
 4. In such background, Ms. Patra submits that liberty may

be granted to the petitioner to apply for Certificate of Vending under Form-II before the opposite party No.3 and further prays that a direction be issued to the said opposite party to take a decision on such application within a specific time period and for the interregnum, she prays that the interest of the petitioner be protected.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to file an appropriate application under the above noted scheme for obtaining the Certificate of Vending before the opposite party No.3 within a period of ten days from today. In the event, such application is made along with a copy of this order, the opposite party No.3 is directed to take final decision on such application in accordance with law within a period of two months from the date of receipt of such application and communicate the result of such exercise to the petitioner.

6. Till a decision is taken on the aforesaid application, no coercive action shall be taken against the petitioner.

7. Accordingly, this writ petition is disposed of.

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

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge