

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.22340 of 2022

Sk. Hajibur and others

.....

Petitioners

Mr. T.K.Sahoo, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. H.M.Dhal, AGA

(O.P.1)

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

02.09.2022

Order No.

01.

1. Heard Mr. T.K.Sahoo, learned counsel for the petitioners and Mr. H.M. Dhal, learned Additional Government Advocate.

2. According to Mr.Sahoo, the petitioners, who are selling bed sheets and other things on the left side of the road from AG Chowk to Rajmahal road, near Rajdhani Durga Puja Samiti, Unit-2, Bhubaneswar since long are aggrieved by the proposed action of the opp. parties for evicting them from their place of business.

3. Mr. Dhal submits that the petitioners do not have Certificates of Vending issued to them under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 for protecting them and for the said purpose, the petitioners should have to make applications under Form-II as provided under Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015.

4. In such background, Mr. Sahoo submits that liberty may be granted to the petitioners 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 decision on such

application/s within a specific time period and for the interregnum, he prays that the interest of the petitioners be protected.

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

6. It is made clear that, the petitioners shall not encroach upon the road leading to the quarters and other public access in the guise of doing their business. If they do so, they may be evicted pending question of their re-settlement.

7. If the petitioners abide by the aforesaid direction of this Court, no coercive action shall be taken against the petitioners till disposal of the representations.

8. Accordingly, this writ petition is disposed of.

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

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge