

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 22600 of 2022

Laxmidhar Swain & Others

.....

Petitioners

*Mr. Deepak Ku. Pani, Advocate
on behalf of Mr. R.N. Behera, Adv.*

Vs.

State of Odisha & Others

.....

Opposite Parties

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

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

15.09.2022

Order No.

02.

1. Heard Mr. Deepak Ku. Pani, learned counsel on behalf of Mr. R.N. Behera, learned counsel for the petitioners and Mr. H.M. Dhal, learned Additional Govt. Advocate.

2. At the outset, Mr. Pani submits that the present writ petition be confined to petitioners other than petitioner nos. 4, 16, 21, 33, 34, 35, 36 and 37. With regard to others, he prayed that they be permitted to file separate writ petition.

3. Prayer as made is accepted and the petition is confined to those petitioners except petitioners no. 4, 16, 21, 33 to 37.

4. According to Mr. Pani, the petitioners have been issued the street vendor identity cards by the Executive Officer, Konark MAC and the same have been filed under Annexure-3 series. Accordingly they are carrying on their business as street vendors in Konark market. Now an announcement has been made through loudspeaker that they would be evicted from their respective places of business without following the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

5. Mr. Dhal, learned Additional Govt. Advocate submits that instead of rushing to this Court, the above noted petitioners should

have approached Executive Officer, Konark Notified Area Council, (opp. party no.4), for redressal of their grievances.

6. In such background Mr. Pani submits that liberty may be granted to these petitioners to which the writ petition is confined, to approach the opp. party no.4 and the said opp. party be directed to take a decision on such grievance petition within a specific time period and for the interregnum, their interest be protected.

7. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to petitioners other than petitioners no. 4, 16, 21, 33 to 37 to file their individual representations before the opp. party no.4 along with a copy of this order through Registered Post with A.D. In the event, such representations are received by the Executive Office, Konark Notified Area Council (opp. party no.4), he/she is directed to take a decision on such representations, in accordance with law, within a period of six weeks from the date of receipt of such representations and communicate the result of such exercise to such petitioners. Till decision is taken on such representations, no coercive action shall be taken against the said petitioners.

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

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

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

Sukanta