

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30866 of 2021

Mansoor Ahmad

....

Petitioners

Mr. Prasanta Kumar Nayak, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr.H.M. Dhal,
Additional Government Advocate
(For Opposite Party Nos.1 and 2)

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE K.R.MOHAPATRA

ORDER

11.01.2022

Order No.

2.
 1. This matter is taken up through Video Conferencing Mode.
 2. Heard Mr. Nayak, learned counsel for the Petitioner and Mr. Dhal, learned AGA.
 3. According to Mr. Nayak, the Petitioner is aggrieved by attempt of Opposite Party No.3-Bhubaneswar Municipal Corporation (BMC) to remove his temporary shed situated near road side of Satyanagar, Bhubaneswar in the district of Khordha without relocating or resettling him in any alternative site in consonance with the provision of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, though he has got a certificate of street vending issued by the said Opposite Party. He further submits that officials of Opposite Party No.3 are contemplating eviction and demolition of his shed without proper notice and opportunity of hearing. In such background, the writ petition has been filed for seeking protection.
 4. Mr. Dhal, learned AGA submits that such issue can be decided by the Dispute Redressal Mechanism as provided under Section 20 of the above noted Act and the Petitioner instead of

rushing to this Court should have approached the Grievance Redressal Committee constituted under Section 20 of the above noted Act.

5. In view of the above submission of learned AGA, Mr. Nayak, learned counsel submits that liberty may be given to the Petitioner to approach the Grievance Redressal Committee authority and necessary direction may be made to decide his case within a specified period.

6. Considering such submissions this Court without expressing any opinion on the merits of the case, grants liberty to the Petitioner to file a representation before the Committee constituted under Section 20 the above noted Act highlighting his grievances within a period of two weeks hence along with a copy of this order and in that event, the authority shall do well to consider and dispose of the same as expeditiously as possible and till disposal of such representation no coercive action shall be taken against the Petitioner, if in the meantime he has not already been evicted.

7. With the direction as aforesaid the writ petition is disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswajit Mohanty)
Judge

(K.R. Mohapatra)
Judge