

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 5262 of 2020

Swoti Sebak Kshudra **Petitioners**
Byabasai Sangha
represented through its
Vice-President, Upendra
Kumar Sahoo and Others

Mr. Srinivas Mohanty, Advocate

-versus-

Prem Chand Choudhary, **Opp. Party**
Commissioner
Bhubaneswar Municipal
Corporation, Bhubaneswar,
Khorda

Mr. Lalatendu Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. SAHOO

ORDER (Oral)
04.01.2022

Order No.

- 03.** 1. This matter is taken up by hybrid mode.
2. Twenty-six Petitioners claiming to be the street vendors in the area Satsing Vihar Marg, Near Satsangha Mandir, Vani Vihar, Bhubaneswar, Khurda had filed WP(C) No. 17794 of 2019, seeking a mandamus for rehabilitation under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (in short 'the Act, 2014'), before evicting them from their present place of business. The said writ petition was disposed of by the order dated

17.09.2019, with the direction to Opposite Party No.3- Commissioner, Bhubaneswar Municipal Corporation, Bhubaneswar, Khurda to decide their claims under the Act, 2014, in case they appear before him within a period of 15 days. The said decision was to be taken regarding rehabilitation within a period of two months from the date of their appearance. It is alleged that since the needful was not done, hence, the present CONTC has been filed.

3. Upon notice, a compliance affidavit dated 17.11.2021 by the Commissioner, Bhubaneswar Municipal Corporation, Bhubaneswar, has been filed. In the said affidavit, it is averred that in compliance of the direction dated 11.12.2019, a detailed order dated 29.04.2021 has been passed, wherein, out of 26 Petitioners, 19 persons have been identified during the survey, as to be the occupants of the area in question.

4. It is stated that the said identified persons shall be rehabilitated in a vending zone as earmarked under the Act, 2014.

5. Mr. B. K. Dash, counsel for the Opposite Party submits that in view of the aforesaid order, remaining 7 persons, who have not been identified during the survey having already filed separate writ petition, nothing more would survive in the present CONTC.

6. In view of the above, we find that the directions passed by this Court have been complied with and there is no ground to pursue the CONTC. Accordingly, the CONTC is dropped.

**(Jaswant Singh)
Judge**

**(M. S. Sahoo)
Judge**

January 4th 2022
Cuttack

AKPradhan

