

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 5263 of 2020

***Jitendra Kumar Sahoo and Petitioners
Others***

Mr. Srinivas Mohanty, Advocate

-versus-

***Pramod Prusty, Zonal Opp. Party
Deputy Commissioner,
Bhubaneswar Municipal
Corporation, Bhubaneswar***

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. Seventy Petitioners claiming to be the street vendors in the area At-left side of Vani Vihar to Maharsi Chhaka, Near Sahid Nagar Durga Puja Samiti, Raupali Chhaka, Sahidnagar Bhubaneswar, Khurda had filed WP(C) No. 27425 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, 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 17.09.2019, a detailed order dated 29.04.2021 has been passed, wherein, out of 17 Petitioners, 3 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 14 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

