

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 27709 of 2022

Pradeep Kumar Mallick & Others

.....

Petitioners

Mr. H. Mohapatra, Advocate.

Vs.

State of Odisha & Others

.....

Opposite Parties

Mr. S.S. Pradhan, A.G.A.

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

20.10.2022

Order No.

01.

1. Heard Mr. H. Mohapatra, learned counsel for the petitioners and Mr. S.S. Pradhan, learned Additional Govt. Advocate.
2. According to Mr. Mohapatra, the petitioners who are carrying on street vending business at Chandrabhaga road coming under Konark police station have approached this Court as they apprehend eviction by the authorities from their present place of business.
3. Mr. Mohapatra submits that these petitioners approached this Court earlier by filing W.P.(C) No.32723 of 2020 which was disposed of by this Court vide order dated 04.12.2020 and though pursuant to the said order, they have filed a representation before the Executive Officer, Notified Area Council, Konark (opposite party no.3) on 09.12.2020 under Annexure-2 for redressal of their grievances, however without taking a decision on the same, an attempt is being made to evict them from their present place of business. He further submits that the petitioners are carrying on such business for a long time and their families are totally dependent

upon their income derived from such business.

4. It is not disputed that none of the petitioners have got the certificates of vending, which are issued under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 read with Orissa Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015, though some of them have got street vendor identity cards issued by the Executive Officer, Konark NAC, during July 2020, which are not in tune with formant of such Identity Card as envisaged at Form-IV of the above noted scheme.

5. During course of hearing Mr. Mohapatra submits that liberty may be granted to the petitioners to file appropriate applications for issuance of certificate of vending in their favour and for the interregnum their interests be protected.

6. Since Mr. Mohapatra submits that the petitioners are carrying on business of street vending at Chandrabhaga area for a long period and since their families are dependent upon the income derived from street vending business, we permit the petitioners to file individual applications in proper forms for grant of Certificates of Vending as envisaged in the above noted Scheme of 2015, promulgated under section 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 before the appropriate authority within two weeks and in the event such applications are filed before the Executive Officer, Notified Area Council (opposite party no.3), the opposite party no.3 is directed to take action on the same in tune with the provisions of the above noted Act and the scheme and complete the entire exercise in accordance with law within a period of three months and communicate the result of such

exercise to the petitioners. Till decision is taken on such representations, no coercive action shall be taken against the petitioners, provided they file the applications within the time as permitted by this Court.

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

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

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

Sukanta

