

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12736 of 2016

1. Sunil Srivastava son of Late Awadhesh Prasad, Resident of Mohalla- Anand Nagar, Ward No. 6, P.S.P.O.- Siwan, District- Siwan.
2. Pradeep Kumar, son of Bachcha Prasad, Resident of Vill.- Sahebabad, P.O.- Siswaniya, P.S.- Mirganj, District- Gopalganj.
3. Jitendra Kumar, son of Brijraj Yadav, Resident of Vill.P.O.P.S.- Harnatar, District- Siwan.
4. Ramayan Sah, son of Late Kokil Sah, Resident of Vill.- Tikari, P.O.- Pratappur, P.S.- Hussainganj, District- Siwan.
5. Prabhu Yadav, son of Kanhaiya Yadav, Resident of Vill.- Lakhrao, P.O.- Siwan, P.S.- Siwan, District- Siwan.
6. Dilip Kumar Yadav, son of Shivjee Choudhary, Resident of Vill.- Sidhval, P.O.- Sidhwal, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
3. The District Magistrate, Siwan.
4. The Additional Collector, Siwan.
5. The Sub-Divisional Officer, Siwan Sadar, Siwan.
6. The Circle Officer, Siwan Sadar, Siwan.
7. The Executive Officer, Nagar Parishad, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha
For the Respondent/s : Mr.Vivek Prasad- Gp

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2023 The present writ petition has been filed seeking the following relief:-

“1. That the Petitioners seek protection against removal of their shops on the erroneous plea of the District Administration of encroachment



done by the Petitioner vendors on the ground that such step is contrary to the Order of the Hon'ble Supreme Court of India and the mandate of Street Vendors (protection of livelihood and Regulation of Street Vending) Act, 2014 (hereinafter refer to as Act, 2014) and the fact that such removal of the shops of the Petitioners is contrary to the mandate of section-3(3) of the Street Vendors (protection of livelihood and Regulation of Street Vending) Act, 2014 which is being reproduced for the convenience of the Hon'ble Court as below:

3. (1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.

(2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.



(3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.”

At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the respondent authorities for redressal of their aforesaid grievances. Liberty, so sought, is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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