

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9727 of 2016

1. Sachidanand Singh Son of Sri Premchand Singh, Resident of Mohalla - Lakhu Sarai, P.O. and P.S. - Sasaram, District- Rohtas.
2. Ajay Singh Son of late Ramji Singh, Resident of Mohalla Manas Road Quila, P.O. and P.S. - Sasaram, District- Rohtas.
3. Sunil Kumar Son of Late Vijay Singh, Resident of Mohalla - Manas Road Quila, P.O. and P.S. - Sasaram, District- Rohtas.
4. Kameshwar Singh Son of late Jagdish Singh, Resident of Mohalla - Laskariganj Bagh, P.O. and P.S. - Sasaram, District- Rohtas.
5. Rajendra Singh, Son of Sri Ram Bachan Singh, Resident of village- Pakhauri, P.O. Shivsagar, P.S.-Shivsagar, District- Rohtas.
6. Binod Kumar, Son of Late Sohan Mahto, Resident of Mohalla- Bhartiganj, P.O. and P.S.-Sasaram, District- Rohtas
7. Baban Sonkar, Son of Late Nanhak Sonkar, Resident of mohalla-Takia Bazar, P.O. and P.S.-Sasaram, District- Rohtas.
8. Shiv Prasan Singh, Son of Sri Brijnandan Choudhary, Resident of village- Barchawaraon, P.O. and P.S.-Padriya, District-Rohtas.
9. Sudarshan Singh, Son of Sri Raghu Mahto, Resident of mohalla-Bhartiganj, P.O. and P.S.-Sasaram, District-Rohtas.
10. Umanand @ Uma Shankar Singh, Son of Sri Motichand Singh, Resident of village-Mahaddiganj, P.O. and P.S.-Sasaram, District-Rohtas.
11. Rajendra Bind, Son of Late Vishwanath Bind, Resident of village- Maharniya, P.O.-Madarwar, P.S.-Daigaon, District-Rohtas.
12. Uttam Kumar, Son of late Ram Nath Singh, Resident of village-Badaki Karpurwa, P.S.-Darigaon, District-Rohtas.
13. Ram Singhsan Singh, Son of Late Shiv Singh, Resident of village-Badaki Kar Purwa, P.S.-Darigaon, District-Rohtas.
14. Maksud Alam Rain, Son of Late Md. Kasim, Resident of mohalla-Shahjawa, P.O. and P.S.-Sasaram, District-Rohtas.
15. Bajrangi Kumar @ Bajrangi Mahto, Son of Sri Rajendra Mahto, Resident of mohalla-Bharatiganj, P.O. and P.S.-Sasaram, District-Rohtas.
16. Krishna Kumar @ Krishna Kumar Singh, Son of Sri Premchand Singh, Resident of mohalla-Laku Sarai, P.O. and P.S.-Sasaram, District-Rohtas.
17. Birendra Singh, Son of Sri Ram Sanchi Singh, Resident of mohalla-Lakhnu Sarai, P.O. and P.S.-Sasaram, District- Rohtas.
18. Ashok Singh @ Ashok Kumar, Son of Sri Bhola Mahto, Resident of mohalla-Chhotaki Karparwa, P.O. and P.S.-Sasaram, District-Rohtas.
19. Sudama Singh, Son of Sri Chandrika Mahto, Resident of mohalla-Badki Karpurwa, P.O. and P.S.-Sasaram, District-Rohtas.
20. Ashok Kumar, Son of Sri Balesh Mahto, Resident of mohalla-Bhartiganj, P.O. and P.S.-Sasaram, District-Rohtas.



21. Mangal Singh, Son of Kapil Singh, Resident of Badki Karpurwa, P.O. and P.S.-Sasaram, District-Rohtas.
22. Awanti Kunwar, Wife of Late Birju Singh, Resident of mohalla-Bhartiganj, P.O. and P.S.-Sasaram, District- Rohtas.
23. Nandlal Singh, Son of Dwarika Singh, Resident of Kar Purwa, P.S.-Darigaon, District-Rohtas.
24. Dinesh Ram @ Dinesh Paswan, Son of Late Doma Paswan, Resident of Badki Karpurwa, P.S.-Darigaon, District-Rohtas.
25. Jaleshwar Sah, son of Late Ram Nath Sah, Resident of mohalla- Badaki Karpurwa, P.S.-Darigaon, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, Municipal Corporation, Sasaram, District- Rohtas.
3. The Chief Executive Officer, Municipapl Corporation, Sasaram, District-Rohtas.
4. The Assistant Executive Officer, Municipal Corporation, Sasaram, District-Rohtas.
5. The District Magistrate, Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Respondent/s : Mr. Awanish Nandan Sinha, GP-11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 20-11-2025 Heard Mr. Onkar Nath, learned counsel for the

petitioners and learned counsel for the State. No one appears on

behalf of the Sasaram Municipal Corporation.

2. The present application has been preferred for the
following relief(s):-

*“(i) To direct the respondents to
allow the petitioners, who are street vendors,
to do their business of selling vegetables and
fruits over the sides of Nala/Land/frank
situated at Sasaram from Rauja Road to*



Katchari Petrol Pump (Behind Ojha Town Hall) since up to date toll taxes from last 20-25 years are being paid to respondents. Petitioners further pray for directing the respondents not to take any coercive steps for removal of petitioners from the place in question till compliance of the order dated 08.07.2011 passed by this Hon'ble Court in C.W.J.C.No.480 of 2007.

(ii) To direct the respondents to allot the sides of Nala/land/frank situated from Rauja Road to Katchari Road Petrol Pump (Behind Ojha Town Hall) to the petitioners permanently by making small shops with affordable price for their livelihood so that requirement of space for street vending be earmarked and petitioners can pursue economic activity without any harassment under "Scheme of street Vendors (Protection of Livelihood and Regulation of Street Vending) act 2014.

(iii) To direct the respondents to grant compensation and award cost against them for the loss caused to the petitioners due to their unlawful actions of removing petitioners.

(iv) To grant any other relief/reliefs for which the petitioners be found entitled in the eye of law.”

3. The petitioners claim to be vegetable sellers under the jurisdiction of Sasaram Municipal Corporation (hererinafter referred as “Municipal Corporation”). They claim to be selling vegetables and fruits on the sides of drainage/land situated at Sasaram from Rauja Road to Katchari Petrol Pump for the last



two decades and moved before this Court that till a proper vending zone comes up and they are relocated, should not be disturbed/displaced

4. Learned counsel for the petitioners in support of their case, has taken this Court to an order of the **Patna High Court in CWJC No. 480 of 2007** (disposed of on **08.07.2011**) in which the Court observed that the Corporation is within its own right to bring out scheme for settlement of space by auction and the petitioners can approach for alternative space, it may be considered sympathetically (Annexure- 2-A) of this petition.

5. The contention is that neither they were relocated nor any vending zone into existence but the Corporation is hell bent upon removing them which may affect their livelihood. Learned counsel for the petitioners has taken this Court to **section 3 of the Street Vendor (Protection of livelihood and Regulation of Street Vending) Act, 2014** (hereinafter referred as “**2014 Act**”) which read as follows:

3. Survey of street vendors and protection from eviction or relocation.-(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.

6. Though there is no appearance of the Municipal Corporation, Sasaram, an affidavit has been filed in the year 2017 on its behalf which is on record. The contention in it is that with the increase in population and the traffic, to ease the same, the steps is/are were being taken. Further they have earmarked the vending zones near the Takiya Over Bridge, Sasaram. As recorded above, the affidavit is of the year 2017 and we are in the year 2025, there is no further statement available nor anyone is representing the Corporation.

7. This Court is of the opinion that instead of keeping the case pending after imposing cost upon the Sasaram Municipal Corporation for not updating the present status, it would be appropriate to dispose of the petition with the following observation:-



(i) the petitioners individually will have to submit their respective representation before the Municipal Commissioner, Sasaram Municipal Corporation, in next four weeks along with up-to-date the receipt which they receive after making payment to stake their respective claims;

*(ii) the concerned officials shall be taking up the individual matter and further shall see to it that **Section 3 of the 2014 Act** is followed in toto while deciding their cases;*

(iii) “the Corporation” shall check and if bonafide receipts have been issued and they are continuing till date, till they are relocated, shall not be disturbed;

(iv) if the vending zone has been constructed, appropriate steps should be taken immediately for relocation of the petitioners;

(v) if the vending zone has not been constructed, “the Corporation” can relocate them to lent to an appropriate place to ease the traffic;

(vi) they shall be considered for grant of place in the vending zone once it is constructed, if they



otherwise fulfill the conditions;

*(vii) the entire process is to be completed by
31.03.2026.*

9. It is made clear that the aforesaid order has been passed under the belief that the matter has still not been resolved. If, however, any development has taken place and the petitioners have already been relocated after the construction of the vending zones, no further step is to be required. Further, those aggrieved and filing individual petition must show their bonafide by submitting receipts issued by ‘the Corporation’.

10. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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