

(2024) 02 OHC CK 0018

In the Orissa High Court

Case No : Writ Petition (C) No.2016 Of 2024

Alijan Khan And Others Vs State Of Odisha And Others ?

Date of Decision : 02-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0018

Hon'ble Judges : Arindam Sinha;J;M.S. Sahoo, J

Bench : Division Bench

Advocate : P. Mohanty, Sanjib Ku. Sahu, R.R. Sahoo, A.K. Sharma

Final Decision : Disposed Of

Judgement

1. Mr. Mohanty, learned advocate appears on behalf of petitioners, who are 14 in number. He submits, his clients are all street vendors having documents including valid provisional and certificates of trade license duly issued by Bhubaneswar Municipal Corporation (BMC). They jointly and severally had earlier moved this Court by, inter alia, W.P.(C) No.3376 of 2023, disposed of on 3rd April, 2023.

He relies on paragraph-4 therein reproduced below.

"4. We are satisfied that BMC is aware of petitioner being a vendor at the vending site, for which he was issued aforesaid document, In the circumstances, instead of directing issuance of notice we make it clear that opposite party nos.3 and 4, in event resort to taking action against petitioner, it must be in accordance with law provided for street vendors, including relocation."

Subsequently petitioner nos.1 and 2 had separately filed W.P.(C) No.28683 of 2023. It remains pending. He relies on paragraph-4 of order dated 25th September, 2023 reproduced below.

"4. In event noticed opposite parties resort to taking action against petitioners in the meantime, they must do so in accordance with provisions in Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014."

Mr. Mohanty, submits further, some of his clients had applied for cognizance

of contempt against the authorities. On 5th January, 2024 BMC evicted his clients from their places of squatting. Hence they are again before this Court with prayer to direct the authorities for petitioners to continue running their vending business. Mr. Mohanty submits, his clients are entitled to appropriate relocation under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State. On query from Court he submits, he will obtain instruction regarding petitioners' allegation of eviction, whether a State functionary or authority was involved.

3. Issue notice along with this order on opposite party nos.2, 3 and 4 by registered post/speed post with A.D. Petitioners will put in requisites. Noticed opposite parties are to issue instructions regarding petitioners' allegation of eviction.

4. List on 23rd February, 2024.

.....