

(2023) 03 OHC CK 0067
In the Orissa High Court
Case No : Writ Petition (C) No.13701 Of 2022

Dali Behera

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 10-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0067

Hon'ble Judges : Arindam Sinha, J;S. K. Mishra, J

Bench : Division Bench

Advocate : A.K. Tarai, A.K. Nanda, B. Dash

Final Decision : Disposed Of

Judgement

1. Mr. Tarai, learned advocate appears on behalf of petitioner and submits, impugned is order dated 29th April, 2022.

2. He submits, his client is a street vendor. She possesses street vending identity card issued by Bhubaneswar Municipal Corporation (BMC). She also had issued to her certificate of street vending dated 27th August, 2020, since expired on 1st August, 2021. He submits further, his client has managed to obtain provisional certificate of trade license valid till 31st March, 2023 bearing provisional license no.TL220517001. He seeks interference.

3. Mr. Dash, learned advocate appears on behalf of BMC. He draws attention to impugned order and submits, the writ petition is premature. Relied upon paragraph in impugned order is reproduced below.

"Therefore, as the petitioner does not have any documentary evidence in support of her business and there is no eviction programme chalked out yet to evict her shop, which has encroached public road creating traffic congestion and sanitation hazards, the grievance petition of petitioner needs no consideration.

(emphasis supplied)

4. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State.

5. We are satisfied that petitioner is a street vendor with provisional certificate of trade license valid till 31st March, 2023, issued by BMC. This validity date we have presumed since the certificate says it was issued on 17th May, 2022 and obviously erroneously stated to be valid till 31st March, 2022. In addition, BMC has, by impugned order, said there is no eviction programme chalked out yet to evict petitioner. We also have been shown from impugned order that petitioner was noticed in the 2015 survey and her name appears in the list. In the circumstances, we direct that in event eviction proceeding is initiated against petitioner, at least three weeks' notice must be given to her for the eviction to be carried out in accordance with law provided in Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

6. The writ petition is disposed of.

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