

(2023) 04 OHC CK 0032

In the Orissa High Court

Case No : Writ Petition (C) No.5254 Of 2023

Pabitra Behera And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 04-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0032

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

Bench : Division Bench

Advocate : G. K. Mohanty, S. Pattanayak

Final Decision : Disposed Of

Judgement

1. Mr. Mohanty, learned advocate appears on behalf of petitioners. He had moved the petition on 9th March, 2023 to submit, his clients were forty in number. They are street vendors. Some of them moved Court earlier by WP(C) no.26078 of 2021, disposed of by the learned Single Judge on 3rd September, 2021. Paragraph 3 from said order is reproduced below.

"3. Mr. Das, learned counsel for the Petitioners submits that the Petitioners are small businessmen and are running their business in the vacant place of Unit-1 daily Market and Unit-2, Market Building premises having valid trade license. Although a decision was taken by the B.M.C. to allow them to run their business in the vacant place of Unit-1 daily Market and Unit-2 Market Building premises, Bhubaneswar till an alternate arrangement is made for them, but after lifting of the restrictions of lockdown they are not allowed to run their business on the plea that the place where the Petitioners were running their business is required for beautification and development of the area."

2. Ms. Pattanayak, learned advocate, Additional Government Advocate appears on behalf of State.

3. There was direction for issuance of notice on opposite party nos.4, 5 and 6.

Said opposite parties are officials of Bhubaneswar Municipal Corporation (BMC). Delivery of postal articles on noticed opposite parties stand confirmed. Said opposite parties go un-represented.

4. On Mr. Mohanty's submission made earlier, regarding apprehension of eviction, we had said in our aforesaid order dated 9th March, 2023 that in event BMC takes action against petitioners in the meantime, it must be in accordance with law. Considering that inspite of service BMC goes unrepresented, we presume that existence of petitioners as street vendors in the location is to knowledge of BMC. In the circumstances, the interim order is confirmed. The interim order is reproduced below.

"4. In event BMC takes action against petitioners in the meantime, it must be in accordance with law."

In accordance with law would mean protection of petitioners under Street Vendors (Protection of livelihood and regulation of Street Vending) Act, 2014.

5. The writ petition is disposed of.

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