
(2023) 04 OHC CK 0152
In the Orissa High Court
Case No : Writ Petition (C) No.9785 Of 2023

Raju Kumar And Others	Vs	APPELLANT
State Of Odisha And Others		RESPONDENT

Date of Decision : 12-04-2023

Acts Referred:

Street Vendors Act, 2014 — Section 3

Citation : (2023) 04 OHC CK 0152

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

Bench : Division Bench

Advocate : Subash Chandra Puspalka, Pravat Kumar Muduli, D. Rath

Final Decision : Disposed Of

Judgement

W.P.(C) No.9785 of 2023, I.A. no.4517 of 2023 and I.A. no.5138 of 2023

1. Mr. Puspalka, learned advocate appears on behalf of petitioners and submits, impugned is order dated 6th March, 2023 made by Bhubaneswar Municipal Corporation (BMC). He submits, the order was made in complete violation of provisions in Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. He demonstrates from impugned order that survey was not made by the Town Vending Committee. Allegation of declaring the area as 'no vending zone' could not have been made. There has been refusal to issue certificates of vending. Provisions of, inter alia, sections 3 and 18 stand violated. He seeks interference.

2. Mr. Muduli, learned advocate appears on behalf of opposite party nos.2 and 3. He submits, there is unmanageable congestion caused due to the carriageway occupied by petitioners, claiming to be vendors. Immediate steps are to be taken for purpose of easing the congestion.

3. Mr. Rath, learned advocate appears on behalf of applicants/interveners. He submits, his clients are opposed to the congestion being caused by the vendors.

4. BMC is required to take steps regarding unmanageable congestion in the carriageway caused by the vendors. However, section 3 requires a survey to be undertaken by the Town Vending Committee. BMC must forthwith constitute the committee and thereupon survey the area, already declared as a 'no vending zone', to identify the persons, who are claiming to be vendors, for their relocation.

5. In the circumstances, impugned order dated 6th March, 2023 is set aside and quashed.

6. We do not find reason to add interveners as parties to the writ petition. There is omission to disclose their cause in their application.

7. The writ petition and the applications are disposed of.

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