



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33374 of 2026

(CNR No. ODHHC010800662026)

M/s. Suvarambh, Khurda **Petitioner**
Mr. K.P. Mishra, Senior
Advocate along with Mr. S.G. Das, Advocate
-Versus-

State of Odisha & others **Opposite Parties**
Mr. S. Behera, AGA
Mr. D.N. Mohapatra, Senior Advocate
along with Mr. A. Pradhan, Advocate
(O.P. Nos.2 to 4)
Mr. D. Mohanty, Advocate
(O.P. No.5)

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

15.10.2026

Order No.

01.

1. Heard Mr. Mishra, learned Senior Advocate appearing for the petitioner, Mr. Mohapatra, learned Senior Advocate appearing for opposite party Nos.2 & 3 and Mr. Mohanty, learned counsel for opposite party No.5.

2. Instant writ petition is filed by the petitioner seeking a direction to opposite party Nos.3 & 4 to take appropriate action against any unauthorized use of Janata Maidan Big Patch from 16th October, 2026 to 18th October, 2026 by opposite party No.5 and to restrain them from advertising the event and selling tickets for the same on the grounds stated.

3. Mr. Mishra, learned Senior Advocate appearing for the petitioner submits that an event of Dandia is being organized by



opposite party No.5 which is likely to promote unhealthy competition and therefore, the BDA could not have granted its permission. The further submission is that there is no dispute over the space allotted to the petitioner and opposite party No.5 but it is with regard to the alleged event. The contention is that the BDA has a role to play and to regulate the event otherwise it would lead to chaos and while advancing such argument, a decision of the Apex Court in **Sodan Singh and others Vrs. New Delhi Municipal Committee and others (1989) 4 SCC 155** is cited and relied on. The submission is that when the petitioner has been allotted a space for the event, any such permission by the BDA to opposite party No.5 for the same type of event nearby should not have been considered and therefore, necessary direction should be issued to opposite party Nos.3 & 4 to take steps and measures in that regard.

4. This Court by order dated 14th October, 2010 had directed the BDA to respond to the plea of the petitioner. Today, Mr. Mohapatra, learned Senior Advocate submits that separate space has been given for the event. It is submitted that the Big Patch has been provided to the petitioner, whereas, smaller one situate adjoining is given to opposite party No.5 separated by an internal road. The contention of Mr. Mohapatra, learned Senior Advocate is that the BDA has nothing to do with the event for except having allotted the space to both the parties with the due procedure followed. To identify the space provided to the petitioner and opposite party



No.5. Mr. Mohapatra, learned Senior Advocate submits a sketch map (not to scale) to satisfy this Court that there has been clear demarcation of the space allotted to both the sides, hence, no further action is necessary from the side of the BDA.

5. Mr. Mohanty, learned counsel for opposite party No.5 submits that the petitioner's plea is over the Big Patch allowed for the event from being unauthorizedly used by opposite party No.5. The submission that there is no such unauthorized use or possibility of any such mischief by opposite party No.5 to the land allotted in favour of the petitioner and therefore, there is no ground for any such direction to opposite party Nos.3 and 4 to intervene and to take action.

6. The submission of Mr. Mishra, learned Senior Advocate is that the petitioner was allotted the space for organizing a Dandia event between 16th October, 2026 and 18th October, 2026 vide Annexure-1 and in so far as opposite party No.5 is concerned, it is for Bhubaneswar International Trade Fair, 2026. The claim is that the Dandia event has been advertised by opposite party No.5 commencing from 15th October, 2026 and to continue till 19th October, 2026 but there has been allotment vide Annexure-2 for the event to be organized between 17th October, 2026 and 5th November, 2026 for 20 days over the Small Patch and from 23rd October, 2026 to 4th November, 2026 at the Big Patch for the purpose of Trade Fair. This Court finds that space is separate and clearly identifiable and there is no dispute over the same nor any such



dispute is raised by the petitioner in that regard. The only challenge to the allotment of space in favour of opposite party No.5 vide Annexure-2 is against organizing a Dandia event.

7. In course of hearing, it is claimed that Annexure-2 is given only a provisional allotment. But in response to the same, Mr. Mohapatra, learned Senior Advocate informs the Court that such allotment has been made final today itself. Mr. Mohanty, learned counsel for opposite party No.5 further informs that the event is to commence from 17th October, 2026 and onwards and in that regard, the schedule advertised earlier stands revised/modified. Having recorded the above submissions, this Court finds that the space is distinct and separate and the petitioner is to organize Dandia event, whereas, the cultural events to commence from 17th October, 2026 and to continue till 4th November, 2026 organized by opposite party No.5 and it is during and in course of the Trade Fair. Against the aforesaid backdrop, the question is whether this Court is to direct the BDA to intervene and prevent opposite party No.5 from organizing Dandia event in view of the claim of the petitioner that the space is allotted specifically for a cultural Dandia event to be organized by them.

8. The contention of Mr. Mishra, learned Senior Advocate is based on the decision in **Sodan Singh** (supra). It is contended that the BDA is to regulate the event, otherwise, it would result in a chaotic situation. In the decision (supra), while considering the rights of hawkers on the pavement and



permission granted by the Municipal Corporation, the Apex Court held and observed that allowing any such right of trade without appropriate control is likely to lead to unhealthy competition and quarrel between traders and travelling public and sometimes amongst the traders themselves resulting in chaos. Further referring to Article 19(6) of the Constitution of India, it has been observed therein that reasonable restrictions are necessary and in such situation, the principles highlighted upon in an earlier decision, such as, **Saghir Ahmad Vrs. State of U.P. AIR 1954 SC 728** are to be borne in mind. With due respect, this Court is not inclined to accept such contention which is with regard to the permission by the Municipal Corporation under the provisions of the Municipal Act on the hawkers to occupy space on the pavement. In the aforesaid context, the Apex Court held as such that it is for the Municipal Corporation to manage and regulate with appropriate control over the trade in order to prevent chaos and to avoid unhealthy competition. In the case at hand, however, the BDA has allowed the space to the petitioner and also opposite party No.5. In the considered view of the Court, the BDA has not imposed any restrictive condition/covenant or stipulation for the parties to hold and organize events in terms of the allotment letters. It is only upon an application received from the petitioner that the space has been allotted vide Annexure-1 and likewise, in respect of opposite party No.5 vide Annexure-2. This Court is to hold and observe that the BDA cannot intervene, adjudicate or arbitrate any such dispute between the



parties as it is beyond its domain to deal with and exercise jurisdiction. If a particular event was organized by one and adjoining space is allotted by the BDA without any dispute over the space or any such complaint about encroachment or unauthorized use of space or area allotted, the BDA has no business to intervene. In order to manage and successfully organize the event, in case of any such of apprehension as is expressed by the petitioner, it shall have to be managed with the assistance of the District Administration. As a necessary corollary, this Court is inclined to hold that there cannot be any restriction imposed on opposite party No.5 in holding the Dandia event as a part of the trade fair. This Court is also inclined to hold that the BDA has no powers either to direct opposite party No.5 to exclude the Dandia event for being held in the adjoining space allotted to the petitioner. Furthermore, this Court is in agreement with the contention of Mr. Mohapatra, learned Senior Advocate that no one can enjoy monopoly in running the trade or business. In any event, it is nothing to do with any such business allowed by the BDA, rather, space applied to organize an event has been considered and permitted by it. Having said that, this Court reaches at a conclusion that no any such direction can be issued to opposite party Nos.3 and 4 to take action preventing opposite party No.5 from organizing Dandia event. This Court, however, is of the view that the petitioner is having other options and may avail appropriate remedy under law, if so advised. With the discussion held and observations made hereinabove and



conclusion reached at, there is no merit in the plea of the petitioner and hence, it is ordered.

9. In the result, the writ petition stands dismissed. It is, however, made clear that opposite party shall have to abide by the stipulations of allotment and to organize the event of Dandia as per the revised schedule i.e. from 17th October and onwards and not otherwise and the BDA is to ensure it.

10. Issue urgent copy of this order as per rules.

(R.K. Pattanaik)
Judge

Alok

Signature Not Verified

Digitally Signed
Signed by: ALOK RANJAN SETHY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 15-Oct-2026 18:53:46

