



CGHC010047892024



2026:CGHC:37332
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 960 of 2024

Koni Vyapari Kalyan Sangh Through Its Assistant Secretary Shri Sanjay Sahu, S/o Late Shri Uttara Kumar Sahu Aged About 28 Years Having Its Registered Office At Md. Azeem Khan Chiken Center, In Front of ITI Gate, Koni, Post Koni, Tehsil And District Bilaspur, C.G.

... Petitioner

versus

- 1** - State Of Chhattisgarh Through Secretary, Urban Administration And Development, Indrawati Bhawan, Block D, Fourth Floor, Atal Nagar, Raipur, C.G.
- 2** - The Municipal Corporation Bilaspur, Through Commissioner Bilaspur Municipal Corporation Ashok Pingley Bhawan, Nehru Chowk, Bilaspur, C.G.
- 3** - Bilaspur Smart City Limited Through Managing Director, Having Its Registered Office At 3rd Floor, Ashok Pingley Bhawan, Nehru Chowk, Bilaspur, C.G.
- 4** - The Zone Commissioner Zone No. 8 Of Municipal Corporation, Bilaspur, Dist. Bilaspur, C.G.
- 5** - The Collector Bilaspur, Collectorate, In Front of Composite Building, Bilaspur, C.G.

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Harshal Chouhan, Advocate
For State/Respondents No. 1 & 5	:	Dr. Saurabh Kumar Pande, Dy. A.G.
For Respondents No. 2 & 4	:	Mr. Aniruddh Shrivastava, Advocate on behalf of Mr. Shaleen Singh Bhagel, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge
Order on Board

20.08.2026

1. By filing the present writ petition, the petitioner-Society, namely, Koni Vyapari Kalyan Sangh, calls in question the action of the respondent authorities, particularly the Municipal Corporation, Bilaspur, in issuing notices to the members of the petitioner-Society for removal/eviction of their business outlets, purportedly under Sections 322 and 323 of the Chhattisgarh Municipal Corporation Act, and has prayed for the following reliefs:

“10.1 To call for the records of the case for the kind perusal of this Hon'ble Court.

10.2 To issue an appropriate writ or order quashing the notices issued to all the vendors of the Koni area pertaining to the eviction.

10.3 To issue an appropriate writ or order directing respondent authorities to protect the vendors of the Koni/members of the petitioner society from eviction and demolition of their business outlets/vending place as per the mandate of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 for implementation of Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014.

10.4 To issue an appropriate writ or order directing respondent authority to implement the provisions as provided in Chapter II and VII of Chhattisgarh

Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2016.

10.5 To issue an appropriate writ or order quashing the entire proceeding of demolition and eviction initiated by the Res. No. 2 under section 322 and 323 of the Municipal Corporation Act 1961 in Koni area which falls under Zone 8 of Bilaspur Municipal Corporation.

10.6 To issue an appropriate writ or order directing respondent authorities to conduct the survey of vendors and place for making vending zone in the Konni area.

10.7 Any other relief deemed fit in the facts and circumstances of the case may also be granted.”

2. Brief facts of the case, in a nutshell are that the petitioner-Society represents street vendors carrying on small businesses in the Koni area of Bilaspur, which falls within Zone No.8 of the Bilaspur Municipal Corporation. The members of the petitioner-Society have been carrying on their respective businesses for a considerable period of time, catering to the daily needs of the local residents and students in the area. According to the petitioner, as many as 121 vendors are running their small business outlets, which are situated behind the drains and approximately 10 to 15 feet away from the main road, and are not causing obstruction to the movement of traffic.
3. It is further the case of the petitioner that the respondent authorities have issued notices to the vendors for removal of their business outlets, purportedly under Sections 322 and 323 of the Municipal

Corporation Act, without undertaking the survey and relocation exercise contemplated under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short, 'Act of 2014') and the Chhattisgarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 (for short, 'Scheme of 2016'). The petitioner-Society and its members had also submitted representations requesting that alternative places be provided for relocation of their businesses, but, according to the petitioner, no effective action has been taken on such representations.

4. Learned counsel appearing for the petitioner submits that the petitioner-Society represents 121 street vendors who are running their respective business outlets in the Koni area and whose businesses are duly reflected in the list maintained by the petitioner-Society. He submits that the concerned vendors have been carrying on their businesses for a considerable period and that, upon certain grievances being raised before the respondent authorities, the Municipal Corporation, Bilaspur, has issued notices seeking their eviction/dispossession on the ground that they are unauthorized occupants. He further submits that the action proposed against the petitioners cannot be proceeded with in a mechanical manner, in view of the provisions contained in the Act of 2014 and the Scheme of 2016. According to him, the statutory scheme contemplates survey of existing street vendors, identification of vending zones and their accommodation therein, and specifically protects street vendors from eviction or relocation until the statutory exercise is

completed and the requisite certificate of vending is issued. The petitioner relies particularly upon Section 3 of the Act of 2014, as well as the provisions relating to survey and relocation contained in the Scheme of 2016.

5. Learned counsel for the petitioner, therefore, submits that before taking any coercive action against the petitioners, the respondent authorities are required to undertake the statutory exercise contemplated under the Act of 2014 and the Scheme of 2016, including survey, identification of the existing vendors and determination of the appropriate vending/relocation area. He further submits that the petitioners are ready and willing to submit an appropriate application/representation before the competent authority for consideration of their grievance in accordance with the aforesaid statutory provisions.
6. On the other hand, learned counsel appearing for the Municipal Corporation, Bilaspur, submits that the grievance raised by the petitioners does not survive any longer, as the respondent authorities have already taken a decision to relocate/reallot the business outlets of the petitioners at an alternative site near Turkadih Pool. It is submitted that the petitioners were also apprised of the said decision and had consented to shift their thelas, gumtis and other business establishments to the newly designated place. Learned counsel, therefore, submits that no further relief survives for consideration in the present writ petition. He further submits that despite the aforesaid decision and availability of an alternative site,

the petitioners are not willing to shift their business outlets to the place allotted by the respondent authorities. He submits that the respondent Corporation has already taken steps to address the grievance of the petitioners by providing an alternative place for their business and, therefore, the petitioners cannot insist upon continuing their business at the existing site contrary to the decision of the competent authority. It is, accordingly, submitted that the present petition, having lost its cause of action, deserves to be disposed of/dismissed as no further effective relief remains to be granted.

7. Learned State counsel submits that the petitioner's grievance is essentially against the Municipal Corporation, Bilaspur, particularly the notices issued for eviction of the members of the petitioner-Society, and no specific allegation or effective relief has been sought against the State.
8. I have heard learned counsel appearing for the respective parties and perused the material on record.
9. Considering the matter in its entirety, the Municipal Corporation, Bilaspur, are directed to undertake the necessary statutory exercise in respect of the members of the petitioner-Society in accordance with the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the Chhattisgarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016, including survey of the concerned vendors and identification of the appropriate vending zone/area, and

thereafter consider their relocation/reallocation, if so required, strictly in accordance with law.

10. While undertaking the aforesaid exercise, the Municipal Corporation, Bilaspur, shall afford due and reasonable opportunity of hearing to each of the members of the petitioner-Society and shall thereafter pass an appropriate, reasoned and speaking order in accordance with the aforesaid statutory provisions, within a period of 90 days from the date of receipt of a certified copy of this order.
11. Till the aforesaid exercise is completed and appropriate orders are passed, the interim protection granted to the petitioners vide order dated 16.02.2024 shall continue to operate.
12. With the aforesaid observations and directions, the present writ petition stands **disposed of**. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh