IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 35659 of 2026

CNR No. ODHC010839522026

Sarbana Behera ..…... ***Petitioner (s)***

Mr. Prateek Dash, Adv.

-Versus-

State of Odisha & Ors. .. ….. ***Opposite Party (s)***

Mr. Jyoshnamayee Sahoo, ASC
Mr. Manoj Kumar Panda, Adv.
for BMC

CORAM:
HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

06.11.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.

2. Petitioner in this writ petition seeks protection under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for brevity, 'the Act') and the Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015 (for brevity, 'the Scheme') and prays for a direction to restrain the opposite parties from evicting him from the place where he is running his business and earning livelihood.

3. Mr. Dash, learned counsel for the petitioner submits that the petitioner is earning his livelihood from his business located at Ward No.41, Unit No.3, near Sriya Complex, in front of ICICI

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Bank, Kharavela Nagar, Bhubaneswar. He is solely dependent on his business at the aforementioned place and he has no other source of income to maintain his livelihood and that if he will be evicted from the place of business, his family members will face starvation. He further submits that since last 18 years, the petitioner was carrying on his activities in the said area. He was issued with a Certificate of Street Vending along with Street Vendors ID Card on 01.08.2020 and Street Vendor Token issued on 04.12.2015 by the Bhubaneswar Municipal Corporation identifying himself as a street vendor. The petitioner has also submitted application in Form II for renewal of street vending certificate in his favour. The same is pending with the Town Vending Committee, Bhubaneswar Municipal Corporation-Opposite Party No.3. During pendency of the said application, steps are being taken for his eviction. Hence, finding no other alternative, this Writ Petition has been filed.

4. Mr. Manoj Kumar Panda, learned counsel has instructions to appear on behalf of Bhubaneswar Municipal Corporation.

5. Taking note of the submission made by Mr. Mohapatra, learned counsel for the Petitioner and the order proposed to be passed, we feel that keeping the matter pending before this Court awaiting instruction from the Bhubaneswar Municipal Corporation will not subserve any fruitful purpose.

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6. Accordingly, the Court without expressing any opinion on the merits of the case of the Petitioner to be issued with a street vending certificate, disposes of the writ petition with a direction that on production of certified copy of this order along with a copy of application stated to have been filed in Form II of the Scheme, the Town Vending Committee, Bhubaneswar Municipal Corporation shall consider his application expeditiously as possible within a period of one month therefrom. Till a decision is taken on the application stated to have been filed by the Petitioner in Form II of the Scheme, no coercive measure for eviction of the Petitioner shall be taken by the Bhubaneswar Municipal Corporation.

7. Urgent certified copy of this order be granted on proper application.

(Dr. Sanjeeb K Panigrahi)
Judge

(Murahari Sri Raman)
Judge

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