



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 11884 of 2023

Shankar Bisi

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Petitioner

Ms. S. Mishra, Advocate

-versus-

1. State of Odisha
2. Collector,
Subarnapur
3. Sub-Collector,
Subarnapur
4. Tahasildar,
Subarnapur
5. Sonapur
Municipality, At/Po-
Sonapur, District-
Subarnapur
represented through
its Executive Officer,
Sonapur
Municipality,
Sonapur,
Subarnapur

....

Opposite Parties

Mr. P.K. Ray, AGA
Mr. S.K. Ojha, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER

25.03.2026

Order No.

04. 1. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
2. The grievance of the Petitioner inter alia is non-allotment of a shop room at newly constructed vending zone at Block Chhaka, Sonapur Town by Opposite Party No.5.



3. It is the submission of the learned counsel for the Petitioner, Ms. Mishra that the Petitioner was a street vendor under the Sonepur Municipality and was having a kachha shop room (tea and tiffin stall) near the Block Chhaka under Sonepur Tahasil.

4. The contention of the Petitioner in essence is that persons similarly circumstanced were allotted shop rooms in the newly constructed shopping complex whereas in case of the Petitioner the same was denied.

5. Controverting the allegation in the writ petition, a counter affidavit has been filed by the Municipal Authorities-Opposite Party No.5 and it is stated that so far as the other allottees are concerned, they had assailed the action of the Municipality in demolishing their shops and taking into account the order dated 11.11.2022 passed by this Court in W.P.(C) No.10115 of 2020 their cases were considered and they have been allotted shop rooms.

It is also submitted by the learned counsel for the Municipality that the Petitioner is not similarly circumstanced in as much as he never approached this Court with those Petitioners and hence, the action of the Municipality cannot be faulted.

6. Be that as it may, the Municipality-Opposite Party No.5 in paragraph-5 of their counter affidavit has stated as under;



"5. However, in the meantime some shop room are being vacated by the occupants and lying vacant in 1st Floor in front of P.D. Res. Quarter at Block chowk constructed by Sonepur Municipality. If the petitioner is interested to take a shop room at the above location, he has to approach the Municipality with proper and application his case can be taken into consideration as per applicable terms and conditions."

(Emphasized)

7. This Court finds force in the submission of the learned counsel for the Petitioner that merely because the Petitioner could not approach this Court in time along with others, he ought not to be discriminated and more so, on instruction, it is stated that the kachha shop room (tea and tiffin stall) was the only source of livelihood of the Petitioner and on demolition of the same, he is finding difficulty to eke his livelihood and keep his body and soul together.

8. It is submitted that the non-allotment of a shop room in favour of the Petitioner is not only violative of his rights under Article 21 of the Constitution of India but also militates against the principles as stated in Article 19(1)(g) of the Constitution of India also amounts in contravention of provision of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

9. In the light of the rival submissions and the pleadings, this Court is of the considered view that interest of justice would be subserved, if the Opposite



Party No.5-Municipality is directed to allot any shop room lying vacant in the 1st floor of P.D. Res. Quarter at Block Chowk within a period of four weeks from the date of receipt of a copy of this order along with an application by the Petitioner for such allotment. This Court has no iota of doubt that while allotting such shop room in 1st floor, the authorities will sympathetically consider the nature of business of the Petitioner.

10. Accordingly, the Writ Petition stands disposed of.
11. U.C.C. as per the rules.

(V. Narasingh)
Judge

Santoshi