



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28773 OF 2025

Ramesh Chandra Prusty

....

Petitioner

Mr. Debidutta Mohapatra, Advocate

-versus-

State of Odisha and Others

....

Opp. Parties

Mr. Siba Narayan Biswal,

Additional Standing Counsel

Mr. Abhishek Dash, Advocate

(For O.P. Nos.2 and 3)

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SAVITRI RATHO

ORDER

11.12.2025

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. The Petitioner, in this Writ Petition prays for a direction to protect his possession over the space where he is running his business as a street vendor and is earning livelihood.
 3. Mr. Mohapatra, learned counsel for the Petitioner submits that the Petitioner being a street vendor was issued with a certificate of street vending under Para-7 (1) of the Scheme prepared under the Street Vending (Protection of livelihood and Regulation of Street Vending) Act, 2014 (for brevity, 'the Act').
 4. Pursuant to the certificate of the street vending under Annexure-1 granted on 1st April, 2020 by the Bhubaneswar Municipal Corporation (for brevity, 'the BMC'), the



Petitioner is running his Tiffin stall near Magnetix Chhak, opposite to Big Bazar. It is submitted that though the Petitioner was granted street vending certificate mentioning the vending area to be Big Bazar, Ward No.6 but he was allowed to run his Tiffin stall near Magnetix Chhak, opposite to Big Bazar. The certificate of street vending granted under Annexure-1 Series expired on 31st March, 2021. However, the Petitioner is running the Tiffin stall till date on the strength of the certificate of trade license granted in his favour by the BMC. Recently, the BMC contemplated to evict the street vendors without complying with the provisions of the Act. No notice as required under Section 18 of the Act, has been served on the Petitioner as yet.

5. It is further submitted by Mr. Mohapatra, learned counsel for the Petitioner that very recently, the Petitioner has applied for renewal of the certificate of street vending which is pending with the Town Vending Committee of the BMC- Opposite Party No.3. Without considering the same, the BMC is threatening eviction of the Petitioner. Hence, finding no other alternative, this Writ Petition has been filed.

6. Mr. Biswal, learned Additional Standing Counsel and Mr. Dash, learned counsel for the BMC submit that although it is stated that the renewal application was sent to BMC vide Registered Post on 18th September, 2025 but there is no material on record to ascertain that it was received by the Town Vending Committee, BMC. Hence, if the Petitioner has submitted, the application for renewal of the street vending certificate, he may pursue the same with the BMC. It is



further submitted that there is no material on record in support of the submission of Mr. Mohapatra, learned counsel for the Petitioner that steps have been taken for eviction. Hence, he submits that the Writ Petition is premature and is liable to be dismissed.

7. Considering the rival contentions of the parties, this Court finds that the Petitioner was issued with a certificate of street vending on 1st April, 2020 under Annexure-1 Series.

8. It is submitted by Mr. Mohapatra, learned counsel for the Petitioner that although the tenure of certificate of street vending has expired since 31st March 2021, but the Petitioner is still running his Tiffin stall near Magnetix Chhak, opposite to Big Bazar. It is further submitted by Mr. Mohapatra, learned counsel for the Petitioner that an application for renewal of the certificate of street vending has been submitted to the Town Vending Committee, which is pending for consideration.

9. In view of the above, this Court without expressing any opinion on the merits of the case of the Petitioner before the Town Vending Committee, disposes of the Writ application with a direction that if the Petitioner files an application for renewal of certificate of street vending, complete in all respect, within a period of two weeks hence along with certified copy of this order, the Town Vending Committee, BMC-Opposite Party No.3 shall do well to consider the same in accordance with law preferably within a period of one month from the date of filing of such application.



10. Till disposal of such application, if filed, within the time stipulated as above, no coercive measures shall be taken against the Petitioner for his eviction from the space where he is running his fish shop, if not evicted in the meantime.

11. Issue urgent certified copy of this order on proper application.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Himansu