

**ODISHA HUMAN RIGHTS COMMISSION
ORDER SHEET**

Case No. 621 of 20 2024

T.K.Dwibedi & others

Name of the Complainant _____

Sl. No.	Date	Order passed by the Commission	Office action taken with date
	30.08.2024.	<p style="text-align: center;">This complaint has been filed by Advocate Sri T.K.Dwibedi and others through HRC Net. Allegation of the complainant reads as follows ;</p> <p style="text-align: center;">"Illegally and arbitrarily Evicted Divyang street vendors on Saturday staged a dharna in front of the Bhubaneswar Municipal Corporation (BMC) office, demanding rehabilitation in a vending zone but nothing is done for the same as the BMC officials are demanding bribe for the same. 01. That, 23 illegally evicted Divyanga Street Vendors alleged that the BMC had evicted them from the Market Building area. Hearing their problems, the Commissioner assured them to Complaint provide shops at Ghatikia but nothing is done so far violating their human right crafted in article 23 of UDHR. 02. That, No opportunity every given to them before forcefully evicted them violating the human right crafted in Article 10 of the UDHR. 03. That, they have been deprived of their job, trade and profession thus their fundamental right crafted in Article 19(a) (g) is also violated and the BMC chairman the appointed private person to that bribe can be extorted from these vendors for providing of the Vending Zone."</p> <p style="text-align: center;">On such allegation of the complainant, report was called for, from the Commissioner, Bhubaneswar Municipal Corporation.</p> <p style="text-align: center;">Pursuant to the order of this Commission, Commissioner, Bhubaneswar Municipal Corporation has submitted the report. The report of Commissioner</p>	

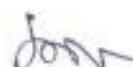
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Contd.	30.08.2024.	<p style="text-align: center;">Bhubaneswar Municipal Corporation reads as follow ;</p> <p>“1. That the aforesaid case has been filed by Sri T.K Dwibedi before the Hon'ble Court of Odisha Human Rights Commission alleging that 23 nos of Dibyanga street vendors have illegally and arbitrarily evicted from the Market Building area without proper rehabilitation for which their Human Rights as well as constitutional rights have been violated.</p> <p>2. That after receipt of the Notice from the Hon'ble Odisha Human Rights Commission, Bhubaneswar the matter was enquired by the Deputy Commissioner, (Vending Zone), Bhubaneswar Municipal Corporation and the following observations are submitted.</p> <p>3. That as per the field inquiry report on the allegation of the petitioners Dibyanga Street Vendors for eviction inside the Market Building Area without rehabilitating them it is humbly submitted that the vendors who were doing business inside the Market Building Area were evicted due to traffic congestion and sanitation hazards.</p> <p>4. That the Central Market Association of Market Building has signed an agreement with the Bhubaneswar Municipal Corporation, Bhubaneswar not to issue any permission for business by mobile vendors inside the market building area which has been declared as a " NO VENDING ZONE ".</p> <p>5. That the Bhubaneswar Municipal Corporation has also declared that the area of the Market Building and all roadside footpaths of BMC as a " NO VENDING ZONE " for the greater interest of the General Public.</p> <p>6. That the allegation made by the Complainant is false and fabricated. After the eviction of the differently abled vendors inside the Market Building area, BMC allowed space for 23 nos. of differently abled vendors near the Market Building area to do temporary business till an alternate arrangements is made. Report-B annexed as Annexure-1 in reply to the Complaint Petition.</p>	



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Contd.30.08.2024		<p style="text-align: center;">Reply submitted by Adv.Mr.T.K.Dwibedi reads as follows;</p> <p style="text-align: center;">""To</p> <p>The Odisha Human Rights Commission Bhubaneswar, Odisha.</p> <p>The Law Department Government of Odisha Bhubaneswar</p> <p>Subject: Complaint Petition CUM legal notice u/s 80 of CPC, 1908 for serious misconduct, abuse of power, illegal acts and omission, unbecoming of public servants, running OHRC for mere formalities and engagement in the rampant Corruption.</p> <p>and issuing this legal notice before filing a PIL against you before the Hon'ble Orissa High Court to issue certain writs including the writ of Quo- Warranto.</p> <p>Sirs,</p> <p>We have received a Form 8 prescribed under the Regulation Nol. 17(A) on Dt. 24-07-2024 which was issued vide Letter no.13357/OHRC Dt. 12-07-2023 towards a fake order passed by the OHRC on 28-06-2024 in the OHRC case No.621 of 2024.</p> <p>01. That, the order is perverse and illegal as it contains no signature of the passing member of the bench but the section officer forged the sign. of the Chairman after putting a blank paper on it.</p> <p>02. That, the order is authenticated by the same section officer impersonation of the Registrar.</p> <p>03. That the order did not contain the litigating parties.</p>	

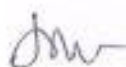
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Contd.30.08.2024		<p>04. That, the order intimating the complaint to reply where half paper was supplied and half papers were impounded by the office of the OHRC under a deep-rooted criminal conspiracy, intentionally, dishonestly, fraudulently, and for wrongful gain, and the same cannot be replied at all.</p> <p>So, the OHRC and the State Government are requested to stop this illegality and arbitrariness and run the OHRC to achieve the object of the statute under which it has been constituted and reply within seven days or be ready to face the law of the land."</p> <p>From the aforesaid letter of Mr.Dwibedi, the complainant, it appears that deficiency was there while communicating the report for his response, but Mr. Dwibedi instead of making request to supply the paper in details, has given notice under Section 80 CPC.</p> <p>This order be communicated to Mr.Dwibedi to submit the reply whether he owes the letter which is so called Sec.80 C.P.C. notice inasmuch as this Commission wants to deal with the same appropriately for extending such threat to a quasi judicial body in</p>	



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Contd.	30.08.2024	<p style="text-align: center;">accordance with law. Unless such reply is received by 25.11.2024, this Commission shall presume that Mr.Diwbedi has owed the letter and accordingly dealt with the same in accordance with law.</p> <p style="text-align: center;">Put up on 25.11.2024.</p> <p style="text-align: right;"> JUSTICE S.PUJAHARI CHAIRPERSON</p>	