

GAHC010187792014



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6381/2014

MANOJ KUMAR and 61 ORS
S/O SRI HARINDRA PATEL R/O DEVI PUKHURI ROAD, TINSUKIA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER and SECY. MUNICIPAL ADMINISTRATION
DEPARTMENT, DISPUR, GHY. ASSAM.

For the petitioner (s) : Ms. N. Nenme, Advocate

For the respondent (s) : Mr. S. S. Roy, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

29.11.2023

The instant writ petition has been filed by the petitioners challenging the eviction of the petitioners from the New Daily Hawkers Market at Tinsukia by the respondents as well as for a direction to allow the petitioners to continue to operate the New Daily Hawkers Market roadside

without any interference from any quarters or a direction be issued to provide the petitioners an alternative site/location for operating New Daily Hawkers Market.

2. It has been submitted by Mr. S. S. Roy, the learned counsel appearing on behalf of the respondent No.2 that the petitioners have been evicted as the petitioners were encroaching the public road and footpath. Mr. S. S. Roy, the learned counsel referring to paragraph No.7 of the affidavit filed by the respondent No.1 submitted that the petitioners have no right to carry on any hawking business on the public road and footpath. Mr. S. S. Roy, the learned counsel submitted that there was a report of the respondent No.2 that the petitioners have manifested several endeavours for allotment of an alternative place to operate street market and the Tinsukia Municipal Board has asked the wayside market holders to shift their vending business to an alternative place chalked out by the Municipal Authority but the said street hawkers did not comply and encroached the road arbitrarily.

3. Taking into account the above, this Court is therefore of the opinion that encroaching upon the road or the footpath and to carry out any business is not permissible and accordingly the eviction of the petitioners from the footpath as well as the road by the respondent District Administration cannot be interfered with.

4. Be that as it may, this Court finds it relevant to take note of the Street Vendor (Protection of Livelihood and Regulation of Street Vending) Act, 2014 which was an Act enacted to protect the rights of the urban street vendors and to regulate street vending activities. The provisions of the said Act of 2014 stipulates the regulation of street vending including

the issuance of certificate of vending as well as the rights of the street vendors upon issuance of a certificate.

5. In the opinion of this Court, the petitioners herein would be at liberty to approach the respondent authorities, more particularly the Tinsukia Municipal Board in terms with the Street Vendor (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

6. This Court further observes and directs that the Tinsukia Municipal Board shall do the needful upon being approached by the petitioners as per the provisions of the said Act of 2014.

7. With the above observation and direction, the instant petition stands disposed of.

JUDGE

Comparing Assistant