

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3890 OF 2021***

Palima Rajendra Kondar
Tata Nagar Zopadpatti and Ors. ...Petitioners
Versus
Deputy Commissioner and Ors. ...Respondents

***WITH
INTERIM APPLICATION NO.3371 OF 2026
(FOR INTERVENTION)
IN
WRIT PETITION NO.3890 OF 2021***

Sayyed Mastan Fakira ...Applicant

IN THE MATTER BETWEEN:-

Palima Rajendra Kondar
Tata Nagar Zopadpatti and Ors. ...Petitioners
Versus
Deputy Commissioner and Ors. ...Respondents

***WITH
WRIT PETITION NO.3665 OF 2022***

Maharashtra Hawkers Federation ...Petitioner
Versus
State of Maharashtra and Anr. ...Respondents

Mr. Kranti L. C. i/b Mr. Kaustubh Gidh for the Petitioners.

Mr. Tejesh Dande with Mr. Bharat Gadhavi and Mr. Satyajeet Salve,
for the Respondent Nos.1 to 3.

Mr. Savita Prabhune, A.G.P. for the Respondent-State.

Mr. Avinash Naik, Assistant (Taxation and Administrative Officer), Urban Development Department, is present.

***CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.
DATE : 3rd SEPTEMBER 2026***

P.C. :

1. The two writ petitions before us involve the implementation of the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 ('Act of 2014'). Despite the statute having been in force, and the Hon'ble Apex Court as well as this Court by their judgments issuing directions from time to time for implementation of the provisions of the Act, a grievance was specifically raised that, as far as the State of Maharashtra is concerned, the scheme which is contemplated to be formulated under Section 38 and specifically directed by the judgment delivered in the case of *Azad Hawkers Union and Others vs. Union of India and Others (Writ Petition No.652 of 2017)*, the scheme was not formulated.

Upon this aspect being brought to our notice, and a mandamus being sought in the petitions to strictly implement the

provisions of the Act, we issued directions from time to time. One of the grievance of the petitioners was also about formulation of the mechanism for redressal of grievances of street vendors as per Chapter V, Section 20 of the Act of 2014. One more grievance to which our attention was invited was about the procedure to be followed for seizure and reclamation of goods, as it was contended before us by the counsel for the petitioners that great injustice was caused to the vendors by not strictly adhering to the procedure prescribed under Section 19 and in the absence of a mechanism being in place for resolution of the disputes of street vendors, as the Grievance Redressal Committees were not constituted under Section 20, the hawkers found themselves in a helpless situation.

2. Taking cognizance of the grievance raised and on hearing the submissions advanced before us, through various orders, we sought the follow-up of the implementation of the provisions of the Act and we recorded that the State Government has not yet come up with the scheme, and we were informed that the steps were taken, but finally it

did not culminate into a scheme, as the scheme formulated in the year 2017 was disapproved by this Court in Writ Petition No. 652 of 2017, as a result, no scheme was operating in the State of Maharashtra. On 20th April 2026, we were informed that the Government had issued a Resolution in reference to the order passed by us and the Government resolved to constitute a committee under the chairmanship of the Commissioner-cum-Director, Municipal Administration Mumbai, with the Deputy Commissioner, Municipal Administration as its Member Secretary, and several other officials, including Commissioners/Deputy Commissioners of various Municipal Corporations, as its members.

The Government Resolution fixed the timelines for preparation of the scheme under Section 38 and we were also informed that a draft scheme is already prepared, but before it took a final shape, it contemplated the involvement of Urban Local Bodies, in which the process of establishing a nominated Street Vendor Committee conducting a street vendor survey under the supervision was an obstacle, as either the committees were not in place as they were not constituted, or the elections were in process. The

Government Resolution also contemplated that after this whole exercise is completed, the draft Street Vendors Scheme shall be placed before the committee for its suggestions, and thereafter only will the Government be able to finalize its draft scheme to be made applicable throughout the State of Maharashtra. The Government Resolution also contemplated that if no objections and suggestions are received from the concerned local authority and the City Street Vendor Committee, within the period that would be prescribed, inviting objections of the draft vending scheme, then it shall be considered that the committee has accepted the scheme.

The Resolution also contemplated that if some suggestions and objections are received, the said committee constituted by the Government Resolution shall have due consideration of the same within a period of one month and submit it to the Government for approval of Notification and thereafter, the scheme for street vendors under Section 38, to be applicable throughout the State of Maharashtra, shall be notified.

3. From the date of passing of the Resolution, when the petitions appeared before us from time to time, we issued various directions and one main issue which warranted our consideration was the constitution of the Dispute Redressal Committee, as contemplated under Section 20 and by issuing specific directions, we called upon the Government to take the issue seriously, as in absence of the mechanism being prescribed for resolution of the disputes of the vendors, they were finding it difficult to carry out vending activities, and as a result they were required to approach various associations but no redressal could be provided of their grievance.

In the wake of our directions issued on 27th July 2026, when we specifically directed the Urban Development Department to take immediate steps for constitution of the said committees and report compliance, the Joint Secretary of the Urban Development Department, through her affidavit affirmed on 2nd September 2026, has made a statement that as on 2nd September 2026, out of 424 Urban Local Bodies, 325 have formed Grievance Redressal Committees, as contemplated under Section 20 of the Act of 2014.

The affidavit is also accompanied by a Chart providing the details of the committees that have been constituted.

Ms. Prabhune, the learned Government Advocate representing the respondent, however, makes a statement that as on date i.e. when the matters are being heard by this Court, committees have been constituted for 355 local bodies.

4. The difficulty expressed by her and which is specifically highlighted in the affidavit, is in respect of such local bodies where a person who has been a Civil Judge or a Judicial Magistrate who is to be appointed as a Chairman of the committee is not available and she submits that such difficulty being faced in Manchar, District Pune, a committee has been constituted which is headed by the Chief Officer of the Municipal Council. But, we disapprove of such a committee, as it is not constituted in terms of Section 20. Furthermore, we note that if an appeal is to be filed against the decision of such a committee, which would again lie to the Municipal Council, it would render the remedy of appeal a mere formality. We quite appreciate that the State

Government, pursuant to our directions, has constituted such committees for redressal of grievances, but in places where a Civil Judge or Judicial Magistrate of that particular area/Municipal Council is not available and therefore the District Judge has not made recommendation, we direct that it is open for the District Judge to recommend a person who had been a Civil Judge or Judicial Magistrate from another Municipal area or adjoining area as chairmanship of the Grievance Redressal Committee is not jurisdiction-wise, therefore, even a person residing outside the said locality can be appointed as Chairman.

We, therefore, expect that with this clarification being offered and communicated to the District Judges of the respective areas where the negative response has been received that no Civil Judge or Judicial Magistrate is available for being appointed, we expect that the State Government shall complete the process of constitution of Grievance Redressal Committees in all the local bodies within a period of six weeks from today.

5. On the committees being constituted now at the local level, itself is not sufficient, as it is necessary for the State Government to provide the necessary infrastructure so as to make these committees functional as Section 20 prescribe a complete mechanism for redressal of a grievance, and the committee is expected to conduct an inquiry and then take steps for redressal of the grievance or resolution of a dispute. This necessarily involves providing of infrastructure and our attention is invited to the Maharashtra Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Maharashtra) Rules, 2016. Chapter II of the said Rules provides for the Dispute Redressal Mechanism, and Sub-rule (4) of Rule 5 of the Rules of 2017 casts an obligation upon the local authority to provide staff, office space, and other necessary amenities to the Grievance Redressal and Dispute Resolution Committee. We, therefore, direct the State Government to issue a directive to all the local bodies for making such necessary provision of staff, office space, and other necessary amenities so that the committees constituted by the local bodies can function in an effective manner. When we say that the necessary infrastructure shall

be provided, it shall definitely include payment of remuneration/salary to the staff and we direct that the State Government shall do the needful by creating a staffing pattern with a provision for salaries to be paid either by the State Government or by the local authorities.

6. As far as the draft scheme for street vendors which was prepared, the affidavit filed by the Joint Secretary, Urban Development Department, in paragraph 4 has stated thus:

*“4. I say that as far as the Street Vendors Scheme is concerned, the Government has approved the Draft Street Vendors Scheme which was finalized by the Street Vendors Scheme Drafting Committee that was constituted as per the Government Resolution dated 20.04.2026. The said Draft Street Vendors Scheme is now sent to all urban local bodies as per the Order of this Hon'ble Court dt.30.04.2026. Hereto annexed and marked as **Exhibit R4** is the copy of the letter sent to all urban local bodies.”*

7. We are also informed that the draft scheme has been circulated to the Municipal Corporations/Municipal Councils, so that the Town Vending Committees (‘TVC’) are in a position to raise their objections and a timeline of two months has been specified for objections to be raised. As the Government Resolution itself clarified,

if no objections are received within a period of two months, it shall be taken that the TVC has no objection for finalizing the draft scheme and notifying the same. However, in case if any objections are received, in terms of the Government Resolution dated 20th April 2026, the committee constituted under the said Resolution shall scrutinize the objections and suggestions and forward them to the State Government. We expect the said exercise to be completed within a period of two months from the last date of receipt of objections and this gives a clear period of two months for the committee to scrutinize the objections and forward it to the State Government. However, on expiry of period of two months (two months for objections plus two months for scrutiny of the objections and placing it before the State Government), we direct the State Government to notify the scheme for street vendors for the State Government as contemplated under Section 38 and the Scheme shall then come into force and shall govern the vending activities in the State of Maharashtra.

8. Mr. Kranti, learned counsel for the petitioners has invited our attention to one important factum being that as far as seven Corporations are concerned, viz. Panvel, Kolhapur, Pimpri-Chinchwad, Parbhani, Satara, Kalyan-Dombivali and Navi Mumbai, the elections for TVC are conducted and the results are declared but the Notification constituting TVC is still pending at the end of the Urban Development Department.

This statement is not disputed at the end of the State Government and therefore, we direct that in respect of all the seven Corporations, the Notification constituting TVC shall be published within a period of two weeks from today.

We also make it clear that if elections for constitution of TVC in other Municipal Corporation/Municipal Council is conducted and the result is declared then the Notification constituting TVC shall be published. In other Municipal Corporation/Municipal Council where the process of election is still on-going in continuation of our earlier directions, as per the commitment made before us that the elections shall be concluded within the time bound manner, we direct

that the Urban Development Department shall ensure that the Notification constituting TVC in every Municipal Corporation/Municipal Council is published so that every TVC get a right for forwarding its comments/objections in respect of the draft Street Vendors Scheme. In any case we had clearly expressed in our order that if for some reason, elections for any Municipal Corporation/Municipal Council/Local Body, the TVC is not constituted that will not be an impediment in not finalizing the Street Vendor Scheme of which the draft is circulated.

9. Another point of grave significance which warrants our consideration is the provision for seizure and reclaiming of goods as contemplated under Section 19 of the Act of 2014. We must note that Second Schedule, providing for the matters to be included in the scheme for street vendors framed by the appropriate Government also make it imperative to provide for the manner of reclaiming seized goods by the street vendor and the fees for the same.

A perusal of the draft scheme would reveal that this aspect

has received due consideration in the draft scheme but the issue raised by the learned counsel for the petitioners definitely is of significance and which deserves consideration, is pending the finalization of the scheme and till the time when it comes into effect by it being notified by the State Government after following the rigmarole which we had set out in the order, till that time if some vendor's goods are seized, the procedure for its return depending upon the nature of the goods (perishable/non-perishable) as directed in Section 19 shall be strictly adhered to. Though, this forms part of the draft scheme, till the Street Vendors Scheme becomes applicable in the State of Maharashtra, we expect the Regional Director of Municipal Administration to issue a Circular/Guidelines, directing the local bodies to deal with the goods which are seized and their release, as contemplated under Section 19 of the Act of 2014 by following the procedure prescribed therein, awaiting the final procedure for seizure and reclamation of goods as provided in the draft scheme which is under consideration of the State Government. We expect this compliance to be done forthwith and in no case later than two weeks from today.

10. At this stage, we must only observe that the long drawn process of the petitioners seeking relief from this Court in the form of formulating the street vendors scheme, which should be uniformly applicable throughout the State of Maharashtra on the basis of the schemes that are already formulated in different States like the State of NCT of Delhi and Karnataka, now appear to be in sight. We can only record our appreciation for the petitioners who have taken up the issue in all its seriousness as we find that down the line on passage of more than a decade, the State of Maharashtra did not formulate a Scheme which was a statutory mandate of Act of 2014 and once when that attempt failed in the year 2017, probably the State Government had lost sight of the fact that it had to formulate such a Scheme. In any way, according to us, it is never late, if at all. Now we feel that the State Government has taken appropriate steps and we see the finalization of the draft scheme in a short while from now and though we dispose of the writ petitions, we deem it appropriate to place the same before us

for compliance by listing the petitions on **1st December 2026**.

Pending Interim Application also stands disposed of.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.