

Court on its own motion Vs. State of Himachal Pradesh & others.

Item No. (D-5)

**CMP No.9891 of 2022 in CWPIIL
No.14 of 2024**

19.08.2026

Present: Mr. Vinay Kuthiala, Senior Advocate as Amicus Curiae with Mr. Diwan Singh Negi, Advocate.

Mr. Rakesh Dhaulta, Additional Advocate General, for the respondents-State.

Mr. Mukul Sood, Advocate, for respondent No.8-MC, Shimla.

Mr. Rajesh Kashyap, Advocate, for respondent No.10-HPSEBL.

Ms. Srishti Chauhan, Advocate, for respondent No.12.

Mr. Bhupinder Singh Ahuja, Advocate, for the applicant/respondent No.13.

CMP No.9891 of 2022

The application was registered on the strength of a news item dated 20.07.2022, on account of the fact that even ambulances were unable to pass through the Lower Bazaar due to encroachments and the reply had been called for from the Authorities concerned.

2. Various orders have been passed since then, and directions have been issued. Fines have also imposed, and measures have been taken in accordance with the relevant provisions, including the installation of CCTV cameras, to ensure that there is no unauthorized occupation and that the area remains free from obstructions.

3. Vide order dated 26.04.2023, the observations made in the main case, which was disposed of on 22.05.2015 were kept in mind, and further directions were issued to remove all encroachments and overhanging projections. Thereafter, the Municipal Corporation of Shimla (MC-Shimla) was tasked with constituting a task force to execute these orders. The provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, were also to be considered, noting that the Town Vending Committee had not been constituted for street vendors, identifying street vending zones, and the declaration of non-vending zones.

4. On 12.11.2024, it was noted that certain shopkeepers were objecting to the physical marking of vending zones and locations in the identified spaces. The directions were issued again, in view of the earlier order dated 22.05.2015, and the respondents were directed to comply with the order by 25.11.2024.

5. We had also noticed that there was proposal for shifting the vendors from the Lower Bazaar area to the terrace of Ajeevika Bhawan situated at Sabzi Mandi, Shimla and the necessary documentation had been asked for. The resolution was passed on 13.12.2024, and the Town Vending Committee had subsequently issued a corrigendum dated 17.12.2024.

6. Accordingly, a status report was filed by the counsel for respondent No. 8-MC, Shimla, stating that 98 shopkeepers are proposed to be shifted to the Ajeevika Bhawan Terrace, as noticed earlier, and that certain vendors have been identified for relocation from Lower Bazaar, Lakkar Bazaar, and Mall Road near the Lift Shimla. A public notice dated 17.04.2026 was also issued by the Commissioner of the Municipal Corporation, Shimla, to remove encroachments from the non-vending zone. Additionally, necessary mock-drills have been conducted daily by the Municipal Corporation, Shimla, and the Superintendent of Police office in coordination with the Fire Department. The movement time from CTO Chowk to Lower Bazaar via the shops, which was earlier reduced to 7 to 9 minutes, has now been further reduced to 4 to 5 minutes. The status report also mentions that three specific vendors, namely-Pawan Sharma, Omprakash, and Akhilesh Tiwari, have continuously disrupted Municipal Corporation officials from discharging their duties and have encouraged other vendors to carry on business in the Lower Bazaar area, which falls under a restricted/non-vending zone.

7. Keeping in view the above, we are of the considered opinion that no further orders are required to be passed in CMP No.9891 of 2022, since the said officers/officials have taken sufficient steps to comply with

the earlier order passed in the main case, i.e., CWPIIL No.14 of 2014, which had been disposed of.

8. The said person, namely-Pawan Sharma, is stated to be the President of the Association of respondent No.13 and thus, it is apparent that he is disrupting the duties of the Municipal Corporation and violating the orders of this Court.

9. Apparently, the said applicant/respondent No.13 has not filed any separate proceedings, as noted by us, and thus we have also declined CMP No.17394 of 2026 on 16.07.2026 challenging the Town Vending Committee Resolution dated 13.12.2024, whereby the area was declared as a non-vending zone, also on account of the fact that the resolution was passed a year and a half earlier. Accordingly, on 16.07.2026, we had disposed of the said application with liberty to the State officials to enforce the encroachment drive as per the orders passed earlier by the Coordinate Bench of this Court on 22.05.2015, and followed up consistently by this Court.

10. It is also pertinent to notice that the hill town faces a peculiar problem, as the bazaars are highly congested, and residential housing is confined to a strictly limited and restricted area. Vehicles, apart from emergency services, are not allowed to ply on the restricted roads, so that the general public can walk on these roads. Therefore,

the State, in its wisdom, has declared certain areas as non-vending zones solely to alleviate the inconvenience faced by residents staying in these densely populated areas.

11. Status report filed by respondent Nos.2, 5 and 9 would also go on to show that travel time to the two points has been reduced from 14 minutes to 7 minutes to 4 minutes.

12. The Apex Court in ***S. Rajaseekaran Vs. Union of India & Others, (2025) INSC 45*** has already commented upon the importance of the 'Golden Hour', the essential period for a patient to be taken to a hospital. If such encroachments are allowed to continue, it will be at the cost of local residents, who may need to be transported to the hospital without any access to ambulance facilities.

13. The Apex Court has also recently held in ***Maniyar Iliyaz alias Shaik Riyaz and another Vs. P. Ayyappan and Others (2026) SCC OnLine SC 1162*** that there is a fundamental right to walk on the pavements/roads.

14. Mr. Bhupinder Singh Ahuja, learned counsel for the applicant/respondent No.13, submits that the petition has been filed challenging the said resolutions. Needless to say, the said petition will be decided on its own peculiar facts and circumstances, since it is yet to come up before the Competent Court.

15. Accordingly, the mock-drill will continue to be conducted once a week. It is always open to the State to file an appropriate application upon a change of circumstances.

16. The application stands disposed off accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

19th August, 2026
(Munish Thakur)