

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13975 of 2026

Decided on: 14.08.2026

Kanta Devi and Anr.

.....**Petitioners**

Versus

State of HP & Ors.

....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Vishal Mohan, Sr. Advocate with
Mr. Shriyek Sharda, Advocate.

For the Respondents: Mr. Y.P.S.Dhaulta, Additional
Advocate General, for respondents No.
1 to 6 and 8.

Mr. Deepak Sharma, Advocate, for
respondent No.7

Jyotsna Rewal Dua, Judge

Petitioner has prayed for the grant of following
substantive reliefs:-

- “i). Issue a writ of certiorari quashing the impugned notices/orders dated 09.07.2026, Annexures P-11 and P-12, issued by Respondent No. 4 to the petitioners;*
- ii) Issue a writ of mandamus restraining the respondents from evicting, dispossessing, demolishing or otherwise preventing the petitioners from carrying on their existing limited vending activity until the identified vending zone is developed, made functional and physically allotted, except through the procedure prescribed by the Street Vendors Act, 2014, the H.P. Street Vendors Rules and Scheme, fter*

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

lawful survey, decision of the Town Vending Committee, relocation arrangement and prescribed notice;

- il) *Direct Respondent Nos. 5 to 9 to complete, within a time-bound period fixed by this Hon'ble Court, the pending process for development of the vendor market/rehabilitation site at Khasra No. 1002/1/1 and 1002/1/2, Mohal Khaneri, including the pending FRA/FA and allied approvals, and thereafter allot vending spaces to eligible identified vendors in accordance with law."*

2. As per the case set up by the petitioners, they are carrying on small vending activities near MGMSC Hospital, Khaneri Rampur Bushahr, over public land, alongside the National Highway No. 05. Their grievances is to the notice issued to them under Sub Rule 4 (1) (b) of the Himachal Pradesh Road Infrastructure Protection Rules, 2004, by the State Public Works Department, National Highways Sub Division Rampur Bushahr, for contravention of the prohibited Act on the road infrastructure as provided under Section 3 of the Himachal Pradesh Infrastructure Protection Act, 2003.

According to the petitioners, similar notices have been issued to them previously also, when matter was brought to the notice of Municipal Council, Rampur Bushahar, seeking protection of petitioners' livelihood vis-a-vis implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the

Himachal Pradesh Street Vendors Rules, 2016, and the Himachal Pradesh Street Vendors Scheme, 2016. According to the petitioners, process is underway at the end of Municipal Council, Rampur Bushahr for providing the street vendors, including the petitioners, an alternate place for their rehabilitation.

3. At this stage, learned counsel for the petitioners invited attention to the representations of the petitioners dated 28.07.2026, appended at Annexure P-15 as also dated 28.07.2026, appended Annexure P-16 and submitted that these representations have not yet been responded to by the respondents.

Learned Senior Counsel for the petitioners submitted that petitioners would be satisfied in case the petitioners are permitted to make afresh comprehensive representation to respondent No. 7-Municipal Council, Rampur Bushahr, and the said respondent is directed to consider and decide said representation to be preferred by the petitioners within a time-bound period, in consultation with all the other stakeholders, including the State Public Works Department, National Highways Sub Division, HPPWD, Rampur Bushahr.

4. In view of above submissions, but without examining the merits of the matter, this writ petition is disposed of by permitting the petitioners to make representation to respondent number 7 within a period of one week from today. In case such a representation is so made, respondent No.7 shall consider and decide the same after consulting/involving all other stake holders including the State Public Works Department, National Highways Sub Division, HPPWD, Rampur Bushahr, District Shimla within a period of three weeks thereafter. The decision so taken, be communicated to the petitioners.

Pending miscellaneous application(s), if any, also to stand disposed of.

August 14, 2026
R.Atal

Jyotsna Rewal Dua
Judge