IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.15496 of 2026

Date of Decision: 07.09.2026

Rajinder Kumar …….Petitioner

Versus

State of Himachal Pradesh & others … Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioner: Mr. Shriyek Sharda, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

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

Sandeep Sharma, Judge(oral):

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, 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 petitioner 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, after lawful survey,***

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

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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 petitioner, he is carrying on small vending activities near MGMSC Hospital, Khaneri Rampur Bushahr, over public land, alongside the National Highway No. 05. His grievance is to the notice issued to him 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.

3. According to the petitioner, similar notice has been issued to him previously also, when matter was brought to the notice of Municipal Council, Rampur Bushahar, seeking protection of petitioner's 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 petitioner, process is underway at the end of Municipal Council, Rampur

Bushahr for providing the street vendors, including the petitioner, an alternate place for his rehabilitation.

4. At this stage, learned counsel for the petitioner invited attention to the representations of the petitioner dated 10.07.2026 and 28.07.2026 (Annexures P-12 & P-13) and submitted that these representations have not yet been responded to by the respondents.

5. Learned counsel for the petitioner submitted that petitioner would be satisfied in case the petitioner is 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 petitioner 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.

6. In view of above submissions, but without examining the merits of the matter, this writ petition is disposed of by permitting the petitioner 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 petitioner. Till the disposal of representation, if any, filed, no coercive action shall be taken against the petitioner in terms of impugned notice.

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

(Sandeep Sharma),
Judge

September 07,2026
(shankar)