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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION (L) No. 122 OF 2015

Vijay Vitthal Kale and Ors.Petitioners
Vs.
The State of Maharashtra and Ors.Respondents

Mr.Ajay Tripathi for Petitioners
Mr.M.S. Karnik for Respondent No.1
Mr.D.A. Nalavade – Government Pleader a/w. Mr. M.A. Sayyed -AGP
for Respondent State

CORAM : V. M. KANADE &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : OCTOBER 9, 2015

P.C. :

1. By this petition which is filed in the form of PIL under Article 226 and 227 of the Constitution of India, the Petitioner is seeking the following reliefs :

“(a) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in nature of mandamus or any other appropriate writ or order or any other direction to be give to the Respondent No.1 to 4 to call the records on what basis Respondents has not implemented The Street Vendors (Protection Of Livelihood An Regulation Of Street Vending) Act, 2014 in accordance of law and thus victimizing the poor

and innocent street vendors by depriving of their fundamental rights;

(b) That this Hon'ble Court may please to issue Notice to the Respondents calling upon them as to why proceedings shall not be initiated against them for not implementing the Street Vending Act, 2014;

(c) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in nature of mandamus or any other appropriate writ or order or any other direction to be given to the Respondent Nos. 1 to 4 and concerned authorities to implement The Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Act, 2014;

(d) That the direction may be given to The State Maharashtra Government to reimburse the penalty amount with bank interest which is imposed upon the innocent street vendors illegally after 2nd May, 2014 when the Street Vending Act, 2014 came into force.

(e) Pass such other and further Order or Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. We are not inclined to entertain this petition as a Public Interest

Litigation. Hence no public interest is involved. Moverover, the hawkers have their own Union and they have access to the Court and they can file their own petition or seek appropriate relief before the appropriate Forum. Hence, PIL is dismissed.

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

[V. M. KANADE, J.]

Vaishali Tikam