

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO.763 OF 2016

IN

M.C.A.ST.NO.8680 OF 2016 (FOR REVIEW)

IN

CONTEMPT PETITION NO.173/2015 (P) IN W.P.NO.3681/1997 (D)

Sitabuldi Merchants Association thr. Its Secretary

..VS..

Shri Shrawan Hardikar (IAS), Nagpur and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.T.D.Mandlekar, Advocate with Mr. Rohan Malviya
Adv. for the petitioner.
Mr.M.G.Bhangde, Senior Advocate with
Mr.V.P.Marpakwar, Adv. for the applicant/resp. no.6.
Mr.S.M.Puranik, Advocate for resp. nos.2 and 4.
Mrs.K.Joshi, AGP for the respondent.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : APRIL 27, 2016.

As prayer for condonation of delay of 10 days in filing application for review is not being strongly opposed by the respondent and looking to the facts/developments disclosed therein, we condone delay of 10 days.

Registry to register the application for review i.e. M.C.A.St.No.8680 of 2016.

M.C.A.ST.NO.8680 OF 2016.

Heard for some time.

Effort of Advocate Shri Mandlekar is to demonstrate the judgment and order of this Court which has attained finality and exercise undertaken by Corporation in pursuance thereof is not affected by the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

Shri Bhangde, learned Senior Counsel invites attention to provision of Section 3 particularly sub Section 3 to urge that in the light of judgment of **Hon'ble Apex Court in the case of Maharashtra Ekta Hawkers Union and anr. .vs.. Municipal Corporation, Greater Mumbai and ors. reported at (2014)1 SCC 490 and 2013** and the 2013 Policy of State Government, the earlier exercise is rendered futile.

We have perused the pleadings. Petitioners are before us in contempt petition.

In the light of rival contentions, we stay the order dated 7th of March, 2016 until further orders.

We permit parties to file their respective affidavits in the matter within period of six weeks from today. We direct Commissioner of Municipal Corporation, Nagpur to file a personal affidavit explaining the situation about exercise/exercises completed prior to 7th of March, 2016 and thereafter.

Place the matter for further consideration
on 20th of June, 2016.

Steno copy of this order be furnished to the
parties.

JUDGE

JUDGE

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