

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

DATE OF DECISION : 20.1.2016

S.K.S.Bedi

PETITIONER

VERSUS

State of Haryana and others

RESPONDENTS

CORAM : HON'BLE Mr.JUSTICE MAHESH GROVER
HON'BLE Mr.JUSTICE HARI PAL VERMA

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Karanvir Singh Khehar, Advocate for the
applicant/respondents.

MAHESH GROVER, J.

The applicants seek review of the order dated 13.2.2012 and the relevant portion which is the cause of grievance to him, may be extracted here below :-

“We thus restrain our hands from adopting such a course of action and rather, deem it fit to direct the Municipal authorities to positively conclude the survey of identifying unauthorised structures/encroachments made on public roads

within a period of four months from today and then take an action to remove such structures. The Municipal Corporation has also admitted that certain encroachments stand identified. In so far as these encroachments are concerned, there should be no impediment in removing them and the Municipal Corporation in the garb of identifying the structures, should not hesitate to remove them.”

The applicants state that without identifying the unauthorised structures, a drive to remove them has been initiated to free the public roads of street vendors.

On due consideration of the matter, we are of the opinion that no case for review has been made out. The afore-extracted directions as also the other observations made by the Division Bench in the order under review would only seek to enhance the public interest by mandating the authorities to enforce the law. This Court is of the view that scope of the Review being limited to an error patent on record or an observation made in oblivion of the material on record, we would not like to interfere because either of the things are not manifesting themselves in the review application.

Besides, there is a delay of 1399 days in filing the review application.

Consequently, the review application is dismissed on both the counts leaving the applicants to their remedies in law in case the Municipal authorities act either in excess of their powers under the Municipal Act or in violation of the Guidelines given in the order under review.

Learned counsel for the applicant states that there is an Act known as “The Street Vendors (Protection of Livelihood and Regulations of Street Vending) Act, 2014 under which a Committee has to be formed. Even if that be so, this

would be no cause for review. It would be open to the applicants to take recourse to the appropriate remedies so as to enforce the provisions of the Act and to question the decision of the authorities in case of violation.

C.M. Nos.406 and 407 of 2016 also stand dismissed.

(MAHESH GROVER)
JUDGE

January 20, 2016
GD

(HARI PAL VERMA)
JUDGE