

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 28037 of 2017 (O&M)

Date of decision: 20.12.2017

Mohd. Saful and others

.. Petitioners

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: Mr. Rajiv Dhawan, Advocate, for the petitioners.

Rajesh Bindal, J.

The petitioners have approached this Court seeking a direction that representation (Annexure P-17) submitted to respondents No.2 to 4 be decided and further the respondents be directed to consider the petitioners as street vendors by adding their names in the survey conducted. It is claimed that the petitioners had been carrying on work of cotton spinning at different places and earlier had been paying rent also. It is not disputed that the petitioners earlier filed civil suit for injunction restraining the respondents from interfering into their working. It was filed on 2.12.2015. While deciding the application under Order 39 Rule 1 & 2 CPC, learned civil court granted interim injunction in favour of the petitioners, plaintiffs therein. The order was impugned by the respondents by filing appeal, which was disposed of on 11.7.2016. The order passed by the civil court was modified to the extent that defendants therein were restrained from dispossessing the plaintiffs therein unless in due course of law. In Civil Revision No.5036 of 2016, filed by the petitioners, the order passed by the First Appellate Court, was upheld on 8.8.2016. Immediately thereafter, the

petitioners preferred CWP No. 17953 of 2016 claiming relief referring the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short 'the Act'). The same was dismissed as withdrawn on 1.9.2016 with liberty to avail of appropriate remedy in accordance with law. Subsequently, certain orders were passed against the petitioners by the Estate Officer, HUDA, Panchkula. The petitioners preferred CWP No.14032 of 2017, which was dismissed on 29.6.2017. It has been noticed in the order that appeal filed by the petitioners against the order dated 8.6.2017 passed by the Estate Officer was pending before the Appellate Authority. Nothing has been stated in the petition as to whether appeal has been decided or not.

In CWP No. 17953 of 2016, relief had been claimed in terms of the Act, but the same was dismissed as withdrawn. Same relief has now been claimed in the present petition, hence, we do not find any reason to entertain fresh petition on the same grounds.

The writ petition is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

20.12.2017
sharmila

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No