

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8962 of 2014

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Karpuri Bus Padav Kshetra Visthapit Dukandar Sangh Shahid Bhagat Singh Chowk
Magardahi Ghat, Samastipur, Police Station-Samastipur, District-Samastipur
through its President Sri S.M. Asgar Imam son of Late S.N. Hussain Imam
resident of Akbarpur Pitanjhia, Police Station- Warish Nagar, District - Samastipur
..... Petitioner

Versus

1. The State of Bihar through Secretary, Nagar Vikas and Awash Department,
Bihar, Patna
2. The District Magistrate, Samastipur
3. The Sub - Divisional Officer, Samastipur
4. The Samastipur Nagar Parishad through its Executive Officer
5. The Executive Officer, Samastipur Nagar Parishad

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Advocate
For the Respondent/s : Mr. Mithilesh Kumar Pathak, SC-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 18-06-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ petition has been filed by the petitioner
for directing the respondents no.2, 3 and 4 to settle shops/vacant
places at Samastipur bus stand to the members of the
petitioner-association by way of re-settlement to them for their
business.

3. The contention of learned counsel for the
petitioner is that the members of the association are entitled for new
site or area, as they have been removed forcibly by the district



authorities from Samastipur bus stand. He submitted that the members of the petitioner-association are street vendors and they were carrying on their business near Samastipur bus stand on the public land since 1992.

4. On query made from the learned counsel for the petitioner as to whether the petitioner is a registered association, it has been submitted by the learned counsel for the petitioner that though the association is not registered, it is affiliated to a registered trade union. On further query, he fairly conceded that the members of the association do not possess certificate of vending.

5. There is no material except the representations submitted by some of the persons that they were carrying out their business on bus stand since long to show that there was any legal right conferred on anyone to carry on business at a public place.

6. Section 4 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short 'the Act') prescribes the mode of issue of certificate of vending to the street vendors which reads as under:-

“4. Issue of certificate of vending.-(1) Every street vendor, identified under the survey carried out under sub-section (1) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by the Town



Vending Committee, subject to such terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending:

Provided that a person, whether or not included under the survey under sub-section (1) of section 3, who has been issued a certificate of vending before the commencement of this Act, whether known as licence or any other form of permission (whether as a stationary vendor or a mobile vendor or under any other category) shall be deemed to be a street vendor for that category for the period for which he has been issued such certificate of vending.

(2) Where, in the intervening period between two surveys, any person seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, subject to the scheme, the plan for street vending and the holding capacity of the vending zones.

(3) Where the number of street vendors identified under sub-section (1) or the number of persons seeking to vend under sub-section (2) are more than the holding capacity of the vending zone and exceeds the number of persons to be accommodated in that vending zone, the Town Vending Committee shall carry out a draw of lots for issuing the certificate of vending for that vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.”



7. Section 13 of the Act prescribes right of street vendor for a new site or area on relocation which reads as under:-

“13. Right of street vendor for a new site or area on relocation.-Every street vendor, who possesses a certificate of vending, shall, in case of his relocation under section 18, be entitled for new site or area, as the case may be, for carrying out his vending activities as may be determined by the local authority, in consultation with the Town Vending Committee.”

8. Since the petitioner has failed to establish that it is registered association and has also failed to show that any of its members possessed a certificate of vending issued under section 4 of the Act, no mandamus can be issued in favour of the petitioner-association commanding the respondents to relocate them new site or area for carrying out their vending activities.

9. The writ petition being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.06.2018
Transmission Date	NA

