

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER (ST.) No. 33138 OF 2017
WITH
CIVIL APPLICATION (ST.) No. 33139 OF 2017**

Brijbhushan Rampat Mishra
through PAO Pravesh B. Mishra ... Appellant/Applicant
Vs.

The Municipal Corporation of Greater
Mumbai & Ors. ... Respondents

Mr. Jagdish N. Jayale, Advocate for the appellant/applicant.
Mrs. Madhuri More, Advocate for the respondent/Corporation.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 15th January, 2018.

P.C.:

Upon mentioning, taken on production board.

2. This Appeal from Order is directed against the order dated 10th November, 2017 passed by the learned Judge of the City Civil Court, Borivali Division, Dindoshi, Mumbai thereby refusing the ad-interim relief.

3. The appellant is a street vendor having pan-bidi shop. The learned counsel submitted that the Corporation has issued licence to the appellant as street vendor under section 3 of the Mumbai Municipal Corporation Act. He submitted that the appellant is

protected under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4. The learned counsel for the respondent, while opposing this Appeal from Order, has submitted that the inspector of the Corporation has filed the report of his visit on 16th October, 2017. Pursuant to the order of the High Court, the structures within the area of 150 mtrs. from the Railway Stations are to be removed, therefore, the Corporation has taken steps and this structure is also to be removed.

5. I am informed that the Notice of Motion is fixed on 13th March, 2018. The Corporation to file affidavit-in-reply in the Notice of Motion thereby clarifying whether the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is applicable to the appellant or not and if applicable, whether the Corporation has made provision for relocating such persons? The Corporation will have to explain why the licence was given to the appellant, if any given earlier.

6. Ad-interim protection is granted to the structure of the appellant

till 13th March, 2018. The parties to cooperate the trial Court.

7. Appeal from order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)