

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

Civil Writ Petition No.12141 of 2016 (O&M)

Date of Decision: 13.08.2018

Pravasi Bhalai Sangathan (Regd.)

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. M.L.Saggar, Sr. Advocate with
Mr. Sunny Saggar, Advocate, for the petitioner.

KRISHNA MURARI, C.J.(oral)

This writ petition in the nature of Public Interest Litigation has been filed by the petitioner claiming to be a National Organization of Interstate Migrant Labour.

2. Challenge has been made to an election held on 28.03.2016 of the Town Vending Committee of Chandigarh under section 22 of the Street Vendors Protection of Livelihood and Regulation of Street Vending Act, 2014 and Chandigarh Street Vendors (Protection of Livelihood and Protection of Vending) Rules, 2015.

3. After hearing the matter, the predecessor Bench passed the following order on 04.08.2016:-

“In the trust deed dated 02.05.2012 that has been placed on record, it is inter alia mentioned (at page 91) that all the income earning, gifts, donation, grants, movable/immovable properties of the 'Pravasi Bhalai Trust' shall be solely utilized and applied towards the promotion and achievement of its aims and objects only as set forth in the said deed and no profit thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, profit, salaries or in any other manner whatsoever to present or past members of the 'Pravasi Bhalai Trust' or to any person claiming through any one or more of the present or past members.

Learned senior counsel prays for time to show the funds that are being maintained by the 'Pravasi Bhalai Trust'. Besides, the said trust deed is that of the Pravasi Bhalai Trust whereas the petition has been filed by 'Pravasi Bhalai Sangathan (Regd.)', a Wing of 'Pravasi Bhalai Trust (Regd.)', therefore, the registration of 'Pravasi

Bhalai Sangathan' and its funds be also shown.
On request, adjourned to 11.08.2016.”

4. Thereafter the matter was adjourned on the request made by learned counsel for the petitioner on various dates and ultimately on 04.07.2017 the Court noticing that despite time having been allowed on number of occasions to demonstrate that the petitioner has locus standi to file the Public Interest Litigation, no one appears on the date and thus it was dismissed in default. However, subsequently the Public Interest Litigation was restored to its original number on an application made on behalf of the petitioner. Today, when the matter was called out, we repeatedly asked learned counsel for the petitioner to establish its locus to maintain the Public Interest Litigation and also to demonstrate that funds that are being maintained by the Pravasi Bhalai Trust and how the petitioner claims to be a wing of the said trust, as required vide order dated 04.08.2016, we regret in recording that our repeated queries with respect to the locus of the petitioner have remained unanswered and necessary material as required vide order dated 04.08.2016 has also not been brought on record.
5. The petitioner having failed to establish its locus to maintain this Public Interest Litigation, it is not liable to be entertained at its behest and same accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.08.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√