

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE**

WRIT PETITION NO.5422 OF 2018

Subhash Sambhaji Jogdande & ors. ... Petitioners

Vs

The Deputy Commissioner & Ors. ... Respondents

Mr.Sangharsh Waghmare i/b Ravi Jadhav for the Petitioners

Mr.Abhijeet Kulkarni for Respondents

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATED: OCTOBER 15, 2019

P.C.:

1. The petitioners herein have challenged the notices issued by the Pune Municipal Corporation for removing their obstructions from public places. The petitioners all have been granted hawking licenses by the Municipal Corporation. One such licence is found at exhibit C dated 24.11.2014. The learned Counsel for the petitioners submitted that despite licenses being given, either for doing business from a stall or by putting up stationary cart, the respondents are issuing the impugned notices though the petitioners have not committed any breach.

2. The Counsel for the Corporation stated under instructions that action would be taken only when the petitioners or other licence holders breach the conditions of licence. Principally, according to him, two kinds of breaches are most common. Firstly, where a stall owner extends his goods or display outside the stall and second, when the cart owners do not remove their carts at night. The learned Counsel for the petitioners stated that the petitioners have not committed any such breach and shall also not do so in future.

3. In view of this consensus, no further order is necessary. It is clarified that the respondents shall not act on the impugned notices. It would however be open for the respondents to verify that the petitioners are not in breach of any of the above noted conditions and if so found, fresh steps may be initiated.

4. Writ Petition is disposed of accordingly.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)