

Dik / Nitin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1496 OF 2015

Rashtriya Ekta Hawkers Union

...PETITIONER.

VS

Union of India & Ors.

...RESPONDENTS

.....

MR. Ram U. Singh for the Petitioner.

MR. Suresh Kumar for Respondent No.1.

Mr A.L.Patki, Addl. G.P. for Respondent Nos.2,4 and 6.

Ms Vandana Mahadik for Respondent Nos.3 and 5 – M.C.G.M.

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**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATE 20 NOVEMBER, 2019.

P.C. :

1. By the above Writ Petition, the Petitioner seeks directions against the Railways not to disturb the hawking activities of four members of the Petitioner union.

2. Our attention is drawn to the decision of the Supreme Court in the case of **Rashtriya Ekta Hawkers Vs. Municipal Corporation of Greater Mumbai in Civil Appeal Nos. 4156-4157 of 2002 along with other Applications**, which provides that no hawkers are permitted to carry on hawking activity within 150 meters from any municipal or other markets or from any railway station. This Judgment of the Supreme Court is followed by the Division Bench of this Court (Coram : B.R. Gavai and M.S.Karnik, JJ.) dated 1st November, 2017 in case of **Thane Zilla (Maharashtra) Hawkers Union Vs State of Maharashtra & Ors. Writ Petition Stamp No.4622 of 2017 along with other**

Writ Petitions. In the instant case, admittedly four members of the Petitioner are carrying on hawking activities within 150 meters from the railway station.

3. In view thereof, the question of protecting the petitioners' hawking business does not arise. Hence, the Writ Petition is dismissed.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)