

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7528-2019

Date of Decision: 19.3.2019

Nanhe Ram and others

...Petitioners

Versus

Chandigarh Administration and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. Ajay Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have, *inter alia*, prayed for issuance of a writ of mandamus directing respondent No.2 to issue Vending Registration Certificate and license; to protect from eviction or relocation; to re-conduct photo/Videographic Survey of Street Vendors/Hawkers of Markets and various Sectors of UT, Chandigarh.

2. A survey was conducted by the Municipal Corporation, Chandigarh and the petitioners had given their names through individual applications along with requisite documents as proof thereof. The petitioners are running a *Choley Kulchey* business outside Sector 38-C Market, Sector 36 Park and market of Sector 41-D, Chandigarh for the last so many years. In the survey conducted by the Municipal Corporation,

issued to the petitioners. The petitioners visited the office of respondent No.2 to know about the fate of their applications, but to no effect. Petitioner No.1 moved the representation dated 12.11.2018 and 25.1.2019 (Annexures P-1 and P-2, respectively) vide registered AD (Annexure P-3) for including his name in the survey list of street vendor and for granting the certificate of vending. Similarly, petitioners No.2 and 3 also moved the representations dated 28.1.2019 and 24.1.2019 (Annexures P-4 and P-6, respectively) vide registered ADs (Annexures P-5 and P-7, respectively). The President of Footpath Cycle and Rehri Fadi Workers Union issued ID Card (Annexure P-8) to petitioner No.1 which is valid upto December, 2019. Despite the numerous representations given by the petitioners, the Municipal Corporation issued challans (Annexure P-9 Colly) and even seized the articles of the petitioners. Reliance has been placed upon the orders (Annexure P-10 Colly) passed by this Court. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved the representations dated 12.11.2018, 25.1.2019, 28.1.2019 and 24.1.2019 (Annexures P-1, P-2, P-4 and P-6, respectively) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representations dated 12.11.2018, 25.1.2019, 28.1.2019 and 24.1.2019 (Annexures P-1, P-2, P-4 and P-6, respectively), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioners within a period of one month from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 19, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No