Item No.6

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No.3 of 2020

Km.Thokchom Premlata Devi … Petitioner
-Versus
State of Manipur & ors. … Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE LANUNGSUNGKUM JAMIR

For the Petitioner :: Mr. M.Rakesh, Advocate
For the Respondents :: Mr.H.Lenin, Addl.AG
Date of Order :: 03.02.2020

O R D E R (ORAL)

CJ,

[1] The prayers in this PIL are as follows:-

" i) to admit this writ petition and issue Rule Nisi;

ii) to issue a writ in the nature of Mandamus thereby directing the Respondents to implement the Stree Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 by (i) constituting Town Vending Committee (TVC); (ii) formulating appropriate scheme and notifying the same under Section 38 of the Act; (iii) conducting survey of all street vendors to be guided by the Town Vending Committee ;(iv) restraining from eviction of street vendor until survey has been done; (v) issuing identity card to the surveyed street vendors; (vi) preparing and approving street vending plan under the guidance of the Town Vending Committee; (vii) allocating space in vending zone along with certificate of vending to the surveyed street vendors; (viii) lining street vendors with various programmes like financial linkages and social security; and (ix) proving basic infrastructure in the vending zone like clean drinking water, toilets, child care, street lights etc;

iii) to issue a writ in the nature of Certiorari for setting aside/quashing the impugned orders dated 16th January 2020 (Annexure-A/2) as the same is vitiated with material irregularities and palpable error in the facts and circumstances of the present case;

iv) in the iterim to issue a writ in the nature of Mandamus thereby directing the Respondents to immediately stop eviction of the Street Vendors, who are plying their vending activities in and around Khwairaband Bazaar till formation of Town Vending Committee, formation of the Scheme under Section 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, (iii) conducting survey of the Street vendors by the Town Vending Committee in accordance with the Section 3 of the Street Vendors (Protection of Livelihood and Regulation of Street

Vending) Act, 2014;

v) in the interim pending disposal of the present Writ Petition, your Lordship's may be gracious enough to pass an order suspending / staying the impugned orders dated 16th January 2020 (Annexure- A/2) till the disposal of the Writ Petition for the ends of justice and to protect the rule of law,

vi) to pass any order/further order/wirt/directions, which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

[2] Heard Mr.M.Rakesh, learned counsel for the petitioner. Also heard Mr. Lenin Hijam, learned Addl.AG for the State respondents.

[3] A specific query was raised stating that the impugned proceeding is a typed version and the original version/document is not produced. Learned counsel, Mr.Rakesh stated that he received the so called impugned proceeding by WhatsApp as a message from an unknown source and he has certified that it is an order passed on 16.01.2020 by the Imphal Municipal Corporation. He did not see the original. He fairly conceded that he has no knowledge of seeing the original. There is no seal or signature on the document to show its origin. Mere statement by the Counsel that he has certified it, does not make it a valid document unless the original or a true extract of the original is furnished. In this case, what is sought to be challenged is a typed copy of a proceeding allegedly prepared and sent through WhatsApp. It is possible that such a message is being created and forwarded by some mischievous person/s to interfere with the administration of the department for personal reasons or for the benefit of some vested interest group.

[4] It is unfortunate that the counsel has chosen to place a typed copy of a WhatsApp message, Annexure-A/2 which does not bear any authentication of its source. Such conduct is deprecated. Further, Annexure-A/3 is said to be newspapers cutting. This is also a typed version and the original Newspaper

reports are not enclosed. A typed copy of the so-called newspaper reports without the original being enclosed creates a suspicion as to the motive behind the PIL.

[5] All the above errors make it clear that Annexure-A/2 dated 16.01.2020 allegedly issued by the Imphal Municipal Corporation may not be a correct version. The Registry ought not to have numbered the PIL without verifying the original. The Registrar (Judl.) to explain as to how such mistakes are happening. How the PIL is passed and numbered without there being any valid or acceptable document.

[6] If such vague and improper petitions are allowed to be numbered and listed, it will lead to unscrupulous people resorting to filing of mischievous petitions and breeding litigation on the basis of their own version of proceeding. A mere endorsement on the so called paper/document by the counsel is not a proof of a valid document. A true extract of the original can be certified by the counsel or the Notary public and no other document is valid. In this case, there is no original version. What has been typed out is a plain WhatsApp message. Therefore, it is a misuse of the system. The Court hastens to warn that such conduct by any person will be viewed seriously in the future.

Registry is directed to ensure that such baseless petitions are not numbered as it will unnecessarily clog in the wheels of justices.

[7] In view of the above, the PIL stands dismissed.

JUDGE **CHIEF JUSTICE**

FR/NFR

Opendro (rt)

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