

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

WRIT PETITION NO.1943 OF 1999

Ramesh Arasa

...Petitioner

vs.

State of Maharashtra and Ors.

...Respondents

None for the Petitioner.

Mr. G. W. Matto, AGP for the Respondent/State.

CORAM : B. P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
N. R. BORKAR, J.

DATE : 9/3/2020.

PC.:

. Nobody appears for the petitioner. We have perused papers with the assistance of learned AGP.

2. Petitioner had sought relief of revocation of permission granted to respondent No.3 to erect permanent stall on footpath abutting the Hotel Arasa, Sir M. V. Road, Andheri (E), Mumbai.

3. This Court has on 19/8/1999 granted ad-interim relief thereby restraining respondent from permitting any further stalls/rooms to be constructed on said footpath. This order was confirmed on 7/9/1999.

4. Hon'ble Apex Court has examined the question of street vending in judgment in the case of *Maharashtra Ekta Hawkers Union vs. Municipal Corporation: 2013(6) Bom. C.R. 481*. The Hon'ble Apex Court then expected all State Governments to come up with appropriate policy to

regulate street vending and to issue licenses to such persons. Town Vending Committee were to be formed to ascertain status of person as vendor and person whose name figures in that list to be given some protection. Thereafter The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 has come into force and the State of Maharashtra has issued Rules under the said enactment.

5. In this situation, we find grievance as made does not survive in the wake of above mentioned judgment and legislation. The allotment of site and erection of stall upon it by respondent No.3 has to be in consonance with this law.

6. Hence with this observation and liberty to Respondent Nos.1 to 3 to abide by law stated supra, we make Rule absolute in terms of interim order dated 7/9/1999 and dispose of the petition. No costs.

(N. R. BORKAR, J.)

(ACTING CHIEF JUSTICE)