

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-26199-2018

Date of decision: 28.1.2020

Avtar Singh Zira**.....Petitioner.****vs.****State of Punjab and others****.....Respondents.****CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR**

Present: - Mr. Tarun Jhatta, Advocate for the petitioner.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajaj, Advocate for respondent No. 6.

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Sanjay Kumar, J. (ORAL)

The prayer of the petitioner in this case was to consider and decide his legal notice dated 5.7.2018 (Annexure P-14). This legal notice was addressed to the Executive Officer of the Municipal Committee, Zira, District Ferozepur, the sixth respondent herein. The petitioner sought a further direction to the authorities to remove the unauthorized occupation/construction over public land on the National/State Highways within the municipal limits.

The sixth respondent filed a written statement. Therein, its Executive Officer stated that, pursuant to Resolution No. 47 dated 3.8.2015, a Town Vending Committee was constituted by the Municipal Committee, Zira. He further stated that as per Section 21 of the Street Vendor (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the sixth respondent demarcated vending and non-vending zones

in the town and one such vending zone was established outside the bus stand on both sides of the road. The Executive Officer stated that the petitioner's complaint was with regard to this vending zone. He further stated that the said vending zone was a role model for other Municipal Councils and Nagar Panchayats and that the street vendors who earlier used to have temporary stalls have now been allotted permanent vending booths with all basic amenities.

No replication was filed by the petitioner rebutting the aforesaid averments of the Executive Officer of the sixth respondent.

In the light of the facts brought out by the Executive Officer of the sixth respondent, it is clear that the understanding of the petitioner that the subject occupation and the construction on the land in question are unauthorized, is factually incorrect. The sixth respondent seems to have established a vending zone in the subject land and the booths allotted to the street vendors are operating with its permission.

That being so, the very basis of the legal notice addressed by the petitioner and in consequence, his prayer in this writ petition stand settled against him.

The writ petition is accordingly dismissed on this short ground.

No order as to costs.

(SANJAY KUMAR)
JUDGE

28.1.2020

preeti

whether reportable/non reportable

yes/no

whether speaking/non speaking

yes/no