

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

CWP-17066-2021

Date of Decision: 09.12.2022

Chintu Kumar

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: None for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ms. Kushaldeep Kaur Manchanda, Advocate,
for Mr. Ankur Mittal, Advocate,
for respondent No.4.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks directions for rehabilitating him as per the Haryana Municipal Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (in short 'the 2014 Act').

It is his case that he has been squatting adjacent to Sadar Bazar opposite Jalebi Wala Shop in Gurugram for the last 15 years and has been issued *Tehabazari* receipts from time to time from the officials of the Municipal Corporation, Gurugram but he is being harassed as such also on account of the failure to issue such receipts at some point of time.

The stand as such of the Municipal Corporation-respondent No.4 is that the petitioner does not have the certificate of vending as required as per the Street Vendors Act, 2014. *Tehabazari* receipts issued to the petitioner were at the time of special occasions to facilitate the general public and the receipts do not give any right to the vendors. The area in which he is stated to

be squatting is very congested area and due to the space occupied, the vendors become a hurdle to the general public. It has been mentioned that eligible street vendors had already been relocated at appropriate sites but the petitioner is neither registered nor has any vending certificate issued. Counsel for the respondent has pointed out that as per the provisions of Section 4(2) of the 2014 Act, if a person seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, subject to the scheme, the plan for street vending and the holding capacity of the vending zones.

In such circumstances, we are of the considered opinion that keeping in view the stand taken by the respondents, it is open to the petitioner to apply in accordingly with law to the appropriate authority, if he so desires. The petition stands disposed of in view of above terms.

(G.S. SANDHAWALIA)
JUDGE

09.12.2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No