

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

1. CWP-19948-2016 (O&M)
Date of Decision: 18.08.2022

Badan Singh and others Petitioners

Versus

State of Haryana and others Respondents

2. CWP-1239-2021 (O&M)

Sandeep Kumar Petitioner

Versus

State of Haryana and others Respondents

3. CWP-21062-2016 (O&M)

Reyajul Petitioner

Versus

State of Haryana and others Respondents

4. CWP-21082-2016 (O&M)

Dara Singh Saini and others Petitioners

Versus

State of Haryana and others Respondents

5. CWP-23888-2018 (O&M)

Abhey Gupta

..... Petitioner

Versus

State of Haryana and others

..... Respondents

6.

CWP-29027-2018 (O&M)

Mukesh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

7.

CWP-33022-2019 (O&M)

Parveen Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

8.

CWP-9719-2017 (O&M)

Ramesh Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

9.

CWP-996-2017 (O&M)

Mangtey and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

10.

CWP-14497-2022 (O&M)

Raj Kumar and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Sandeep Yadav, Advocate for
Mr. Sandeep Sharma, Advocate
for the petitioners.

Ms. Palika Monga, DAG, Haryana.

Mr. B.R.Mahajan, Sr. Advocate with
Mr.Padamkant Dwivedi, Advocate
for MC, Gurugram.

G.S.SANDHAWALIA, J. (Oral)

Present petitions pertain to Municipal Corporation, Gurugram.

The prayer is for rehabilitating the petitioners as per the Haryana Municipal Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014 (hereinafter to be referred as, 'the Act'). The claim of the petitioners as such in present petition is that they are squatting at various places within the jurisdiction of Municipal Corporation for various wealths. The enforcement squad has been issuing Tehabazari receipts from time to time and they have been harassed by the enforcement squad and the local police and not allowed to earn their livelihood.

The stand of respondent No.4 was that 14172 street vendors have been identified and bio-matric cards have been issued for identifying street vendors and the work of identification of places to establish the street

vending market is being taken up simultaneously. 31 such vending zones/markets have been identified in the Municipal limits of Gurugram and the task of organizing the street vendors have begun at 11 such sites initially on the basis of a pilot project. It has also been mentioned that the Police Commissioner has been requested to direct the police officials not to harass the street vendors unnecessarily as per the letter dated 11.09.2015 (Annexure R-4/1). It has further been mentioned that the mushrooming of innumerable vendors/hawkers within the city in an unplanned/haphazard manner is resulting in huge inconvenience to the general public in the main market by further congesting/choking the narrow lanes through encroachment. The stand of the corporation is that these rights are not absolute and are subject to reasonable restrictions. Reference is also made to the Town Vending Committee Meeting held on 03.06.2016, whereby it is decided to provide a supportive environment for the vast mass of urban street vendors to carry out their vocation and for this purpose, it has been decided to undertake a pilot project initially for 10 identified locations out of 31 identified zones for street vending. Approximately 140 street vendors have been rehabilitated/relocated in these zones.

The stand of the police authorities as such is that the police force is being provided by the answering respondent to the enforcement squad of Municipal Corporation, Gurugram as and when they demand for the same, according to the rule and instructions, to maintain law and order. It is not disputed that under the provisions of the said Act, there is a dispute redressal mechanism provided. The said provisions of Section 20 of the Act is reproduced as under :-

“20. Redressal of grievances or resolution of

disputes of street vendors.—(1) The appropriate Government may constitute one or more committees consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professionals having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2):

Provided that no employee of the appropriate Government or the local authority shall be appointed as members of the committee.

(2) Every street vendor who has a grievance or dispute may make an application in writing to the committee constituted under sub-section (1) in such form and manner as may be prescribed.

(3) On receipt of grievance or dispute under sub-section (2), the committee referred to in sub-section (1) shall, after verification and enquiry in such manner, as may be prescribed, take steps for redressal of such grievance or resolution of such dispute, within such time and in such manner as may be prescribed.

(4) Any person who is aggrieved by the decision of the committee may prefer an appeal to the local authority in such form, within such time and in such manner as may be prescribed.

(5) The local authority shall dispose of the appeal received under sub-section (4) within such time and in such manner as may be prescribed:

Provided that the local authority shall, before disposing of the appeal, give an opportunity of being heard to the aggrieved person.”

It has also brought to our notice that vide order dated 15.03.2022,

qua the urban state of Gurugram, the District Street Vendors Disputes

Redressal Committee has been put in place. The said order reads as under:-

“ORDER

In view of the powers conferred upon under Section 20 of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (Central Act 7 of 2014) and subject to other provisions of the Act. Rules and Schemes. the Urban Local Bodies Department. Government of Haryana issued Gazettee Notification No. 147-2020 (Ext.) dated 8th October 2020, for constitution of "District Street Vendors Disputes Redressal Committee" in each district.

In pursuance of the gazettee Notification dated 8th October 2020 and with respect to letter No. SUDA/SUSV-DRC/2022/5703 dated 14.02.2022 from the State Urban Development Authority Haryana. Directorate of Urban Local Bodies Department. Panchkula, a District Street Vendors Disputes Redressal Committee to redress the grievances/ disputes of the Street Vendors of District Gurugram is hereby constituted for a period of next two years as under.-

- 1. Sh. Basheshar Singh. Civil Judge (Retd.) Chairperson*
- 2. Deputy Municipal Commissioner.*

Municipal Corporation. Gurugram Member Secretary

- 3. Ms. Sarika Panda Bhatt. Social Worker Member*

The terms and conditions of appointment and payment of remuneration etc. shall be as per letter No. SUDA/SUSV-DRC/2022/5703 dated 14.02.2022 from State Urban Development Authority, Haryana.

Sd/-

*Place:-Gurugram
Dated: 15.03.2022*

*Mukesh Kumar Ahuja. IAS
Commissioner,
Municipal Corporation,
Gurugram."*

Keeping in view the above, since there is an alternative efficacious remedy as such available to the petitioners and there is a procedure prescribed under the Act, we are of the considered opinion that if

any person has grievance, it would be appropriate for the said persons to approach the Committee which is set up for the purpose. Since each and every person's individual rights are involved, which can only be addressed by the grievance committee by calling upon response from the authorities and the matter cannot be redressed in representative capacity as has been sought by filing a large number of petitions by clubbing different persons vending in different wards at different locations. These are factual aspects and therefore, as per settled principles, disputed issues cannot be settled in a writ petition.

Resultantly, keeping in view the settled principles and since an alternative efficacious remedy is available as per the law laid down by the Apex Court in the case of United Bank of India Vs. Satyavati Tandon and others, 2010(8) SCC 110, the petitioners are at liberty to approach the Committee at the first instance. Thereafter the Appellate Forum as has been provided under the Act can be approached. The respondent authority shall ensure that all the mechanism regarding redressal of the disputes are put into place.

The writ petitions are disposed of.

(G.S.SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

18.08.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No