

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

211

**CWP-19644-2020
and other connected cases (O&M)
Decided on : 21.12.2022**

Rohtash

.....Petitioner(s)

Versus

State of U.T. Chandigarh and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE GURBIR SINGH**

Present: Mr. H.S. Ghuman, Advocate for the petitioner (s)
in CWP No.31128 of 2019.

Mr. Vikas Malik, Advocate for the petitioner (s)
in CWP No.34216 of 2019.

Mr. M.S. Gill, Advocate for the petitioner (s)
in CWP No.2955 of 2019.

None for the petitioner (s) in CWP No. 12659 of 2016,
CWP No.28340 of 2017, CWP Nos.28302, 28465, 14220,
16345, 37945, 38204 of 2018, CWP Nos. 45, 3667, 5577,
11511, 728 of 2019.

Mr. Anil Sharma, Advocate
for respondents No.1 and 3 in CWP-16345-2018 and
for respondent Nos.1, 2 & 4 in CWP No.31128 of 2019.

Mr. Sanjiv Ghai, Advocate,
Mr. Parminder S. Kaul, Advocate
Mr. Suman Jain, Advocate
for the respondent-MC Chandigarh.

Mr. Kavinder S. Chhibber, Advocate for
Mr. J.S. Lalli, Advocate for the respondents-U.T.Chandigarh
in CWP No.14220 of 2018 and CWP No.2955 of 2019.

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of 17 writ petitions i.e.

CWP Nos.19644 of 2020, CWP No.12659 of 2016, CWP No.28340 of

2017, CWP Nos.14220, 28465, 16345, 28302, 37945, 38204 of 2018,

CWP Nos.45, 728, 2955, 3667, 5577, 11511, 31128 and 34216 of 2019.

The present set of cases are being disposed off wherein there is an alternative and efficacious remedy available under Section 20 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereinafter referred to as '2014 Act'). Admittedly vide notification dated 14.01.2022, The Grievance Redressal and Disputes Resolution Committee had been set up, which is a three Member Body.

These cases have been clubbed together on account of the fact that in these cases challenge has not been made to the statutory provisions, which the Committee does not have the jurisdiction to hear and, therefore, these matters are being disposed of by relegating the petitioners to approach the authority concerned.

It has also been brought to our notice that vide notification dated 01.08.2022, the Appellate Authority which also consists of three members has been constituted for hearing appeals against the order or decision of Grievance Redressal and Dispute Resolution Committee.

Resultantly, we are of the considered opinion that the following cases are liable to be disposed off by giving the option to the petitioners to approach the said Committee, keeping in view the prayer which has been made and in view of the law laid down by the Apex Court in **United Bank of India Vs. Satyawati Tondon and others, (2010) 8 SCC 110.**

CWP-19644-2020

The prayer made in the present writ petition is that not to shift/dislocate the petitioner from the backside of Guest House in Sector-24, Chandigarh as shown at Point 'A' in the site plan (Annexure P-2) where he is selling the clay utensils alongwith other potters. Challenge has been raised to the Provisional Certificate of Vending dated 16.01.2019

(Annexure P-3) whereas he has been allotted site No.13 within Sector-24B. In his representation dated 30.09.2020 (Annexure P-4) he has raised grouses as to why the site is not suitable.

CWP-12659-2016

The prayer made in the present writ petition is that not to dispossess the petitioner who is a street vendor and earning his livelihood by selling daily use clothes in front of Booth No.17-18 in Shastri Market, Sector -22, Chandigarh.

CWP-28340-2017; CWP No.38204 of 2018 and CWP Nos.45 & 3667 of 2019

Prayer made in the present writ petitions is for issuing directions to the respondents not to uproot the petitioners from their respective places in Manimajra, whereby they have installed their street vends for more than 10 years and for displacing them from their respective areas where they are vending their goods and services as on date.

CWP-28465-2018

Prayer made in the present writ petition is for issuing directions to the respondents to protect the petitioners from eviction or relocation and harassment and to re-conduct photo/videographic survey of Street Vendors/Hawkers of Market, Sector 19 & 22, Chandigarh. Further directions are sought to decide the representation and thus, prayed for issuance of Vending Registration Certificate.

Perusal of the representations would go on to show that the grouse as such is that they are doing the business in Market of Sector 19 & 22, Chandigarh since 2011.

CWP-16345-2018

Prayer made in the present writ petition is for issuing directions to the respondents from evicting, confiscating sugarcane

crushing mobile vend (Rickshaw) the petitioners except under due course of law as provided under the 2014 Act. Further directions are sought for releasing their sugarcane mobile vend (Rickshaw) being right of livelihood.

CWP-28302-2018

Prayer made in the present writ petition is for issuing directions to the respondents to allot the license to the petitioners as per the provisions of 2014 Act and for making the alternative arrangements. Further directions are sought for deciding the representations filed by the petitioners.

Perusal of the representation as such filed by the petitioner No.1 would go on to show that he is doing the work of retail sale of ready-made garments in front of Shashtri Market, Sector 22, Chandigarh for the last about 9-10 years.

CWP-37945-2018

Prayer made in the present writ petition is for issuing directions to the respondents to protect the petitioners from eviction or relocation.

Perusal of the representation filed would go on to show that the dispute as such is that the petitioner has lost the challan slip and he had made the prayer for inclusion the name of the survey. Similarly, there is a prayer as per Annexure P-3 for permission to work with a license.

CWP-728-2019

Prayer made in the present writ petition is to consider the representation dated 20.09.2018 in a time bound manner and to include the name of the petitioner in the street vendors survey. Further directions are

sought not to evict the petitioners from their business sites and to decide their representation (Annexure P-4).

Perusal of the representation filed would go on to show that the claim as such is that they have been earning their livelihood by working as street vendor in Sector 37, Chandigarh for the last many years.

CWP-2955-2019

Prayer made in the present writ petition is to restrain the respondents from evicting the petitioners evicting, confiscating the vending goods of the petitioners except under due course of law as provided under the 2014 Act, on account of the fact that they are facing legal action from the respondents in spite of having deposited the requisite fee/charges. Representation dated 10.01.2019 (Annexure P-6) has also been made.

CWP-14220-2018

Prayer made in the present writ petition is for issuing directions for protecting the petitioners from eviction or relocation and harassment. Challenge has also been made to the order dated 14.05.2018 (Annexure P-11) wherein the request for issuing the vending certificate as such was rejected, on account of the fact that same has already been done and it is not possible to re-conduct the survey.

CWP-5577-2019

Prayer made in the present writ petition is for issuing directions to the respondents to select the names of the petitioners as successful vendors for getting space for their vending business and to issue certificates of vending to them.

CWP-11511-2019

Prayer made in the present writ petition not to harass the petitioners and allow them to carry business and issue them license to earn their livelihood.

CWP-31128-2019

The present writ petition has been filed for quashing of the Seizure Memo dated 28.08.2019 (Annexure P-12) and the challan fee deposited (Annexure P-13) and to issue license of vending, so that the petitioner can undertake his business.

CWP-34216-2019

Directions are sought to issue registration certificate/vending license in view of the survey conducted in the year 2016 and to continue their street vending business in Sector 22, Chandigarh and to adhere the provisions of the Act.

Keeping in view the above, we are of the considered opinion that it is not for this Court to go into the issue of these factual matrix which are not liable to be entertained as per settled law. If the petitioner (s) have any grievance he/they can approach the Committee for the redressal of their grievances and it is upto the concerned authority to pass an appropriate order.

With the aforesaid observations the present writ petitions stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

21.12.2022

Naveen

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes
No