

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-26581-2018 (O&M)

Date of Decision: 13.07.2022

Ramdev Patel & Ors.

.....Petitioners

V/s.

State of Haryana & Anr.

.....Respondents

CORAM: **HON'BLE MR. JUSTICE G.S. SANDHAWALIA**
 HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rajiv Dhawan, Advocate for the petitioners

Ms. Palika Monga, DAG Haryana

G.S. SANDHAWALIA, J. (Oral)

The challenge in this writ petition is to the order dated 02.08.2018 (Annexure P9) wherein a decision was taken to have separate Town Vending Committees for Panchkula, Kalka and Pinjore and, therefore, the earlier Committee as such was dissolved and there was to be a re-constitution as per the law. The election in respect of the said Committee was to be done in due course. Apparently, in CWP-4617-2021, challenge had been raised to the constitution of the Town Vending Committee wherein it had been held out that the new Town Vending Committee was to be constituted under the provisions of the Section 22 (2)(d) of the Street Vendor's (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

Resultantly, the writ petition was dismissed as infructuous on 01.09.2021 and thereafter review was also filed. An application was filed for revival of the writ petition i.e. CM-2271 & 2272-CWP-2022 in CWP-4617-2021 which was disposed of on 27.05.2022 observing as under:-

“Application has been filed for reviving/restoration of the writ petition which was disposed of vide order dated 01.09.2021 on the

ground that the Town Vending Committee was dissolved and new Town Vending Committee was to be constituted as per Section 22(2)(d) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

The grouse of the applicant-petitioners in the present application is that the respondents are in the process of again forming Town Vending Committee without holding election and through random selection of representatives of street vendors which is illegal and infringes the right under the Act. It has, thus, been pleaded that respondents have misled the Court on an earlier occasion. It has further been argued now that new Town Vending Committee has now been constituted but the prescribed procedure has not been followed and therefore, the undertaking given in the earlier order has not been complied with.

In our considered opinion, fresh cause of action has arisen to the petitioners to challenge the action of the respondents in case it is not in accordance with law or that it is not as per the undertaking. It is always open to the petitioners to bring to the notice of the Court in subsequent proceedings the earlier conduct of the respondents in case the undertaking given has been violated so that necessary adjudication can be done and interests of the petitioners can be protected. Thus, reviving the earlier petition would not be an appropriate method to resolve the issue, in our considered opinion.

In such circumstances, the present application is dismissed, with the aforesaid liberty.”

Thus, it is apparent that the new Town Vending Committee has been constituted at least for Panchkula and therefore, if that is so, the challenge in this writ petition has been rendered infructuous, where the prayer is also sought that decisions should be taken following the Act and the Rules.

Accordingly, we dispose of this writ petition in view of the subsequent events which have taken place.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

13.07.2022
V.Vishal

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>