

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

**CWP-29985-2019 (O&M)
Decided on : 21.12.2022**

Business Promotion Council, Chandigarh

....Petitioner(s)

Versus

Chandigarh Administration, U.T. Chandigarh and others

.... Respondent (s)

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

Present: Mr. Aditya Shioran, Advocate for
Mr. Vibhav Jain, Advocate for the petitioner (s).

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

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition has been made for issuing directions to the respondents to evict unauthorized vendors/hawkers in Sector 17, Chandigarh as per the provisions made in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and to restrain unauthorized street vendors from carrying out activities in non-vending zones in compliance of Section 12 (2) of the abovesaid Act.

Mr. Ghai has pointed out that in **CWP No.26883 of 2017 ‘Daya Kishan and others Vs. State of U.T. Chandigarh and others’** decided on 11.07.2022, similar prayer had been made and the petition was disposed of as having been rendered infructuous, keeping in view the directions issued by a Coordinate Bench vide interim order dated 17.10.2019 passed in **CWP No.19675 of 2019 ‘Rajesh Kumar and others Vs. M.C. Chandigarh and others’**. Relevant portion of the order passed in **Daya Kishan (supra)** reads as under:-

“It is fairly conceded that the prayer for declaring the ‘No-Vending Zone’ of Sector 17, Chandigarh and the prayer as such made for enforcing the mandate of the Street Vendors (Protection of Livelihood & Regulation of Street Vending) Act, 2014 has been rendered infructuous as such keeping in view the directions issued by a Coordinate Bench in CWP No.19675 of 2019 on 17.10.2019. Para 10 of the said order reads as under:-

“10. Having heard learned counsel for the parties and keeping in view the order passed by this Court in CWP No. 19675 of 2019, the application for modification filed by the Corporation in CM No. 18899 of 2018 is allowed. The respondents are permitted and directed to implement the vending scheme as undertaken by them today. As the Committee has identified Sector-17 and Sectors 1 to 6 of Ward No.1 as vending free zones therefore as undertaken by the authorities, they shall ensure that no vendors are permitted in these areas, apart from the Essential Service Providers as prescribed under Clause 2(d) and Clause 18 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Municipal Corporation Chandigarh Bye Laws-2018. The respondent undertakes to remove all vendors from Sector-17 and Sectors 1 to 6 of Ward No.1.”

The status report filed by Joint Commissioner, Municipal Corporation, Chandigarh dated 17.03.2021 would also go on to show to the said effect. The relevant paras of the said status report reads as under:-

“41. That the respondent Corporation had also approached this Hon’ble Court vide CM No.18899/2018 in CWP No.3742/2017 seeking modification of the undertaking given for removal of the registered Vendors under Non-ESP category since the process had been completed. The said application for modification i.e. CM No.18899 of 2018 filed by the Corporation was allowed vide order dated 17.10.2019 passed in CWP No.19675 of 2019 and other connected cases and it was ordered that the respondents are permitted to implement the vending scheme as undertaken by them on the said date. It was further ordered that as the Committee has identified Sector 17 and Sectors 1 to 6 of Ward No.1 as vending free zones therefore as undertaken by the authorities, they shall ensure that no vendors

are permitted in these areas, apart from the Essential Service Providers as prescribed under Clause 2(d) and Clause 18 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Municipal Corporation Chandigarh Bye Laws 2018. The respondent undertakes to remove all vendors from Sector 17 and Sectors 1 to 6 of Ward No.1. It is submitted that the necessary steps as per order dated 17.10.2019 passed by this Hon'ble Court have been undertaken by the Municipal Corporation, Chandigarh."

xxxx xxxx xxxx

"44. That the 20th meeting of the TVC was held on 01.11.2019 for taking decisions regarding to start the process of re-location of registered N-ESP vendors belong to Sector 1, 2, 3, 4, 5 & 6 to allotted Street Vending sites in Sector 7 vending zone initially in view of the Vending Zone, as per the order w.r.t. CWP No.19675 of 2019 titled as Rajesh Kumar & Others vs. Municipal Corporation and Others. Also registered Street vendors of Sector 17 N-ESP category shifted to Sector 15, Vending Zone. The TVC member agreed to not to interfere into the domain of the Mandi Board as Mandi Board has its own jurisdiction. Copy of the said minutes of meeting dated 01.11.2019 is appended herewith as Annexure R-47."

Keeping in view the above, these writ petitions are disposed of having become infructuous. Liberty is given to raise any other issue regarding the challenge to any statutory provisions of the Act, if so required."

Keeping in view the above, the present writ petition is also disposed of as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

21.12.2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes
No