

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5358 OF 2004

Shri. Chhunilal Thakarsy Satra & Ors.

.. Petitioners

Vs.

Kolhapur Municipal Corporation

.. Respondent

- Mr. S.R. Ganbavale a/w. Mr. K.M. Lahankar i/b. Mr. A.M. Adagule, for the Petitioners.
- Mr. S.M. Kamble, for Respondent No.1-Corporation.
- Ms. M.P. Thakur, AGP for Respondent Nos.2 & 3.

**CORAM : A. S. CHANDURKAR &
M.W. CHANDWANI, JJ.**

DATE : 16th FEBRUARY, 2023.

P.C. :

1. The petitioners, who claim to be running their business establishments in the city of Kolhapur, are aggrieved by the inaction on the part of the Municipal Authorities in not taking any steps to remove hawkers, who are illegally doing their business on the public streets of Mahadwar Road, Jotiba Road and Tarabai Road. This Writ Petition was admitted by the order dated 18.08.2004 and has been pending since then.

2. In the affidavit-in-reply filed on behalf of the Municipal Corporation, it has been stated in Para 2 as under:-

“I say and submit that in the year 2017 a meeting was held of the officers of the Corporation the police administration alongwith the associations of the business and the hawkers and after discussion amongst them it was decided that all the three main roads would be kept open and the same would not be blocked during the Dusshera and Diwali festival. It was further decided that in order to see that the festivals are being celebrated peacefully the Corporation and the Police would appoint the additional employees to maintain law and order situation and to keep the vehicular traffic open in order to enable all the shopkeepers and the hawkers to conduct their business. I say and submit that in view of the said arrangement the Diwali and the Dusshera festivals thereafter are being celebrated peacefully by the shopkeepers and the hawkers without there being any blocking of three roads.”

3. We find that in the submissions made in the aforesaid para, the Municipal Corporation has stated that it would take necessary steps to ensure that there is no blocking of public streets during the festive seasons and that necessary arrangement in that regard would be made. We accept the statements made in Para 2 of the said affidavit and the Municipal

Corporation shall abide by the same.

4. Learned counsel for the petitioners further submits that the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (“the Act of 2014”) has now been enacted and it would be necessary for the Municipal Corporation through the Town Vending Committee to take necessary steps to streamline the aspect of street vending.

5. The Municipal Corporation is duty bound to take necessary steps as required under the Act of 2014 in the matter of constitution of the Town Vending Committee and abide by the duties imposed upon it under the said Act. Necessary steps in that regard shall be taken by it within the time-frame indicated in the Act of 2014.

6. If the grievance of the petitioners thereafter subsists, they are free to take necessary steps in accordance with law.

7. With these directions, the Writ Petition is partly allowed and disposed of. No costs.

[M.W. CHANDWANI, J.]

[A. S. CHANDURKAR, J.]