



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1146/2023

IN

WRIT PETITION 5661 OF 2021

Bhaji Va Fal Mutton, Chicken, Macchi, Chaha, Pan Che Vikreta Footpath Dukandar
Sangh, Jaripatka, Nagpur.

..vs..

The State of Maharashtra and others.

WITH

WRIT PETITION 4079 OF 2022

Shri Sanjay Lataruji Itankar and others

....vs..

The Union of India and others)

WITH

WRIT PETITION 784 OF 2022

Shri Lala s/o. Munna Satnami and others

...vs..

The State of Maharashtra and others.)

WITH

WRIT PETITION 629 OF 2023

Mahal Sutika Gruh Chowk, Dukandar Sangh, Nagpur thr. Treasure, Inam-u-Rahim
Mohd. Abdul Kalam

...vs..

State of Maha. and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

In Writ Petition 5661/2021:

Mr. Mohd. Ateeque, Advocate for Petitioner.

Mr. J. B. Kasat, Advocate for Respondent Nos. 2 & 3.

Mr. S. Dewani, Advocate for Respondent Nos. 4 to 7.

In Writ Petition 4079/2022:

Mr. S. S. Sanyal, Advocate for Petitioners.

Mr. N. Deshpande, DSGI for respondent No.1

Mr. S.M. Ukey, Addl. G.P. for respondent No.2.

Mr. J. B. Kasat, Advocate for Respondent Nos. 3 & 4.

In Writ Petition 784/2022:

Mr. S. S. Sanyal, Advocate for Petitioners.

Mr. N. Deshpande, DSGI for respondent No.1

Mr. S.M. Ukey, Addl. G.P. for respondent No.2.

Mr. J. B. Kasat, Advocate for Respondent No. 3

In Writ Petition No. 629/2023

Mr. Mohd. Ateeque, Advocate for Petitioner.

Mr. J.B. Kasat, Advocate for respondent Nos.2 and 3.

Mr. S.M. Ukey, Addl. G.P. for respondent Nos.1 and 4/State.

CORAM: AVINASH G. GHAROTE &
URMILA JOSHI-PHALKE, JJ
DATED : 14/09/2023.

Heard.

2. An objection has been raised by Respondent Nos. 4 to 7 that the petitioner is a non-existence entity and therefore, has no locus to file the petition at all.

3. On a query made by us to Mr. Mohd. Ateeque, learned counsel for the petitioner to point out the existence of the petitioner as an association, he is unable to point out anything in that regard. The registration number MAH/31/03(NAGPUR) given in the cause title of the petition itself is not the registration number of the petitioner but, the registration number of the Jaripatka Fruit and Vegetable Footpath Association. This would clearly indicate, that the petition has been instituted at the behest of a so called association, which is non-existent and has been pursued as such in which various orders have been passed by the Court from time to time.

4. However, since the matter relates to livelihood of number of persons, who are footpath vendors, an application for amendment has been filed to add the Jaripatka Fruit and Vegetable Footpath Association, Nagpur as a petitioner vide Civil application (CAW) No. 1146/2023, considering which the same is **allowed**. The addition be carried out forthwith.

Later on

5. Mr. Kasat, learned Counsel for the Nagpur Municipal Corporation upon instructions, makes a statement that in pursuance to the order dated 18/08/2023 passed in Writ Petition No.629/2023, further meeting of Town Vending Committee to decide upon the feasibility of the hawking zones already declared, by revisiting them would be made on or before 03/10/2023. The meeting would also consider all consequent actions to be taken in pursuance thereto and a timeline for implementing them.

6. It is also stated that the scheme has been sent to the State Government on 26/05/2023. It is expected that the State Government takes a decision on the sanction of the Scheme by 03/10/2023.

7. Learned Assistant Government Pleader to communicate this to the appropriate authorities to ensure its compliance, and report the same by 04/10/2023.

8. List the matter on 04/10/2023, by which time the minutes of the meeting shall be placed on record.

(URMILA JOSHI-PHALKE, J.)

(AVINASH G. GHAROTE, J.)