

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

**CWP-4338-2023
Date of Decision: 05.07.2023**

MANI KUMAR ROY AND ANR.

.....Petitioners

Vs.

STATE OF HARYANA AND OTHERS

....Respondents

**CORAM: HON'BLE MRS. JUSTICE JAISHREE THAKUR
HON'BLE MRS. JUSTICE SANJIV BERRY**

Present: - Mr. Mohan Singh Rana, Advocate for the petitioners.

Mr. Dushyant Saharan, AAG, Haryana.

Mr. Hitesh Pandit, Advocate for
respondent No.2 and 3.

JAISHREE THAKUR,J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of the writ in the nature of mandamus or any other appropriate writ, order or direction to be issued to the respondents not to cancel the Street Vending License of the petitioners without following due process of law. The petitioners herein would contend that they are operating vending carts in Sectors 14 and 49, Gurugram, however, have been faced with show cause notices for removal of the same. It is further submitted that they have been in the same location for the past four years on the basis of license numbers granted by respondent No.2. Learned counsel would also submit that they have been paying the license fee regularly and now the respondent No.2 has refused to accept the monthly license fee.

2. It is, *inter alia*, argued that the show cause notices issued are with an intention to harass the petitioners. Notice of motion was issued on the said petition pursuant to which appearance has been caused on behalf of respondents No.2 and 3.

3. Learned counsel for the respondents would submit that the writ petition itself is not maintainable in the light of the fact that the petitioners have an alternate remedy of approaching the Town Vending Committee as constituted under Section 20 of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. He would argue that similar writ petitions have already been disposed of vide decision taken on 30.08.2022 in CWP-6173-2022 titled as “*Sagar Sindhwani and others and State of Haryana and others*” and connected matters wherein the petitioners had been directed to approach the Redressal Committees as constituted.

4. Learned counsel for the petitioners submits that he would have no objection in case the present writ petition is disposed of in the same terms as have been enumerated in the aforesaid writ petition.

5. Having heard the learned counsel for the parties and having gone through the judgment as rendered in CWP-6173-2022 and connected matters, the writ petition stands disposed of in the same terms which are reproduced as under:

“Resultantly, we are of the considered opinion that the matter should be relegated to the said Redressal Committee. Let all the concerned petitioners approach the Committee as such with their specific claim and keeping in mind the claim and the documents as

such which are produced and after taking into account the stand of the Corporation, the Committee shall take appropriate steps in accordance with law and protect the interest of the vendors wherever the need arises. In case it comes to the conclusion that they require protection as such on account of having been registered and having deposited the requisite fees with the competent authority on the basis of adequate proof being furnished, since an interim order had been passed in one of the cases on 25.03.2022 whereby, status quo was to be maintained, we are of the considered opinion that the said protection is liable to be extended for a period of 21 days from today in all cases. The said protection shall be extended by the Committee as such after taking into account the peculiar facts of each claimant.”

(JAISHREE THAKUR)
JUDGE

(SANJIV BERRY)
JUDGE

05.07.2023

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