



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO. 9119 OF 2023

**RAMESHWAR GULABCHAND PARDESHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
ANOTHER**

Mr.K.B. Borde, Advocate for the Petitioners.
Mr.S.K. Tambe, AGP for Respondent No.1.
Mr.V.R. Dhorde, Advocate for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
R.M. JOSHI, JJ.
DATED : 17.04.2024**

PC :-

01. The Petitioners have putforth prayer clauses “B”, “C” and “D” as
under :-

“B. By way of writ of certiorari, or any other appropriate writ or order, respondent No.2 authority may kindly be directed for releasing petitioner’s handcart along with goods, which is seized by respondent No.2 authority.

C. By way of writ of certiorari, or any other appropriate writ or order, respondent No.2 authority may kindly be directed for following procedure laid down by, “The street vendors (protection of livelihood and regulation of street vending) Act, 2014.

D. Pending hearing and final disposal of this writ petition, respondent No.2 authority may kindly be directed for releasing petitioner’s handcart along with goods, which is seized by respondent No.2 authority.”

02. Petitioner No.1 is the father of Petitioner Nos. 2 and 3. It is

conceded that Petitioner No.1 had a hawking licence until 2013 and had named his hawking cart as “Ruchira Omelet Pav”. Since this Court [Coram : C.V. Bhadang & Sandipkumar C. More, JJ.], had issued an order on 08.07.2022 in Writ Petition No.7782 of 2019 (Sharif Haji Abdul Memon Vs. The State of Maharashtra & Ors.), directing the Municipal Council to remove encroachments and ensure that the encroachments removed do not re-surface. The Council was also directed to ensure that public spaces are left open and accessible. It is in this backdrop that the Municipal Council had dealt with all the encroachers and while removing the encroachments the handcart of the petitioner No.1 was carried away on 13.06.2023.

03. Having considered the submissions of the learned Advocates for the respective sides, the Petitioners pray that their handcart along with other goods that was seized on 13.06.2023, may be released. Petitioner No.1 would make an application for renewal of licence. He would pay the requisite fees. He makes a statement that after he receives the renewal licence for hawking purposes, he would position his handcart at a place which is earmarked by the Council. Petitioner No.1 submits that the earlier allocated spot of positioning his handcart in front of the railway station, as mentioned in the licence

granted earlier, is acceptable to him.

04. We, therefore, expect the Municipal Council, while allowing renewal of the licence, to maintain the spot which was earlier mentioned in the renewal licence. If the Authorities of the Municipal Council have earmarked street vending zones in view of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the application of the Petitioners would be considered for a spot in such hawking zone.

04. With the above directions, **this Writ Petition is disposed off.**

05. Needless to state, the observations in this order, which we have hardly made, shall not come in way of the criminal investigation in FIR No.0443, dated 08.05.2023.

[R.M. JOSHI,J.]

[RAVINDRA V. GHUGE,J.]