



211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4827-2019

Date of decision: 27.10.2025

**Chandigarh P.P.B.T.S. Residents
Welfare Society (Regd.)**

...Petitioner

Vs.

Chandigarh Administration and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Ashwani Kumar Chopra, Senior Advocate with
Mr. Brahmjot Singh Nahar, Advocate
for the petitioner.

Mr. Vivek Sharma, Advocate
Mr. Pushp Jain, Advocate
for respondent No. 1 and 2.

Mr. Sanjiv Ghai, Advocate
for respondent No.3.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This writ petition is by P.P.B.T.S. Residents Welfare Society (Regd.) with the prayer to command the respondents to regulate the street vending activities carried out by the vendors of the petitioner's society and to protect their rights as street vendors under the provisions of Street Vendors (Protection of Livelihood & Regulation of Street Vending) Act, 2014 (for short 'the Act, 2014') and not to arbitrarily discriminate them in pursuing their source of livelihood.

2. The petitioner-society further submits that the respondent be commanded to adopt humanitarian approach while regulating the petitioner's



petty business so that the members of the petitioner-society are able to make their both ends meet and avoid starvation.

3. The claim of the petitioner-society is resisted by the Chandigarh Municipal Corporation relying upon a notification issued by the Chandigarh Administration dated 09.01.2013. Relevant portion of this notification reads as under:-

"Bye-laws for Regulation of Hawkers in Chandigarh 1961" notified Vide-No.C-1477-61/III/5334, dated 20.2.1961 are still operational in the area of Chandigarh, but require some amendments as per the requirement, while Street Vendors (Protection of livelihood and Regulation of Street Vending) Bill 2012 is under consideration of the Govt of India.

2. During the intervening period till appropriate amendments are carried out in the aforesaid byelaws or Bill is passed by the Lok Sabha and it is decided to enforce the same after enactment in Chandigarh, whichever is earlier, in compliance with the directions of Hon'ble High Court of Punjab and Haryana passed in CWP No.8077 of 2008 and also in consultation with the Municipal Corporation, Chandigarh, the Administrator of Union Territory of Chandigarh is pleased to frame the following guidelines for regulating the "Street Hawkers" in the area of Chandigarh-

1 No licences shall be issued for the sale of Bidi, Cigarette & other Tobacco items.

2. No vendor shall be allowed to remain stationary at a place for a period more than 4 Hours in a day and shall keep on moving to carry out his business without causing any inconvenience to general public and traffic problems and becoming a public nuisance.

3. The vendors/hawkers shall not operate on road sides/berms, cycle track, footpath, round about, in front of markets and such other public places where it may cause traffic hazard and cleanliness problems, unless otherwise specified locations in their licences.

4 The Vendors/Hawkers selling food items/eatables shall have to maintain cleanliness, sanitation and obtain a



Food Safety Licence and NOC from the MOH/Health Department of U.T., as the case may be, under the Pure Food Act.

The aforesaid guidelines shall come into force with immediate effect.

4. The respondents also rely upon a notification dated 20.12.2018, wherein, it is resolved that all notifications issued by the Chandigarh Administration would be complied with while considering the prayer for grant of licenses to street vendors. Relying upon the notification dated 09.01.2013 as well as the notification dated 20.12.2018, the respondents contend that the member of petitioner-society cannot be permitted to carry out activities of sale of bidi, cigarette and other tobacco items which are prohibited by the law. Further decision taken in the meeting of the Town Vending Committee dated 14.12.2017 is also relied upon for such purposes. According to the respondents, as per the decision taken on Agenda No. 1, the vendors of petitioner-association have been permitted to switch over to any other trade and therefore, no further direction in the writ petition is required to be issued.

5. Mr. Sanjiv Ghai, Advocate for respondent No.3 also submits that pursuant to such decision, 84 persons have actually changed their trade and therefore, the petitioner be denied any relief.

6. Mr. Ashwani Kumar Chopra, Senior counsel for the petitioner-society, on the other hand, contends that the notification dated 09.01.2013, was a decision taken by the Chandigarh Administration while Street Vendors Bill, 2012 was being finalized by the Parliament. It is contended that the Bill was introduced in the year 2012 and during its consideration, a decision was apparently taken by the Administration on 09.01.2013. Submission is that after the Bill of 2012 has formalized into making of the Act of 2014, the notification dated 09.01.2013 has ceased to subsist in law and cannot constitute any basis



for denying consideration to the petitioner's claim.

7. Learned Senior counsel for the petitioner also submits that primary decision relied upon by the respondents is contained in the notification dated 09.01.2013, which alone has been enforced in the subsequent decisions relied upon by the respondents, and that there is no conscious decision taken at the competent level with reference to the provisions contained in the Act of 2014.

8. Having considered the respective submissions, we find substance in the arguments advanced on behalf of the learned senior counsel for the petitioner-society that the notification dated 09.01.2013 was actually a decision taken by the Chandigarh Administration while the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 was under consideration of the Government of India. The decision taken in the notification dated 09.01.2013 was therefore decision taken in the interregnum and was to continue till an appropriate decision was taken to enact the Street Vendors Act, itself.

9. The subsequent decisions contained in the notification as well as the decision of the Town Vending Committee apparently are influenced by the notification dated 09.01.2013. The Act, 2014 has since brought about a change in the ground situation, inasmuch as the definition of 'street vendor' now stands statutorily inscribed in the new legislation, which is operating and binding. The Chandigarh Administration as well as the Town Vending Committee will therefore have to re-examine the matter with reference to the provisions contained in the Act, 2014, so as to deal with the claim of the present petitioners.

10. In such circumstances, this petition stands disposed of with a

direction upon the respondents to examine the grievance of the petitioner afresh, in light of the provisions contained under the Act, 2014 as well as consequential rules, notifications and bye-laws. Such decision shall be taken at the competent level within a period of three months from the date of receipt of this order.

11. All the pending miscellaneous applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

27.10.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No