

**CWP-13398-2021 and
CWP-18272-2021**

2025:PHHC:008677-DB



249-a **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. **CWP-13398-2021**
Date of Decision: January 21, 2025

RAJENDER KUMAR MEENA AND ORS Petitioners

Versus

STATE OF HARYANA AND OTHERS Respondents

2. **CWP-18272-2021**

NARESH PRASHAD MEHTA AND OTHERSPetitioners

Versus

STATE OF HARYANA AND OTHERS Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Arvinder Arora, Advocate for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Ms. Kushaldeep Kaur, Advocate
for respondents No. 6 and 7 in CWP-13398-2021

Mr. Piyush Bansal, Advocate
for respondents No. 6 and 7 in CWP-18272-2021.

LISA GILL, J.

1. This order shall dispose of two petitions i.e. CWP Nos. 13398 and 18272 of 2021 which are taken up together at request and with consent of learned counsel for the parties.

2. Petitioners, in both writ petitions, claim that they are registered Street Vendors under Street Vendors (Protection of Livelihood and

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Regulations of Street Vending) Act, 2014 (for short – ‘2014 Act’) and are carrying on vending as per applicable Rules. They are aggrieved of show cause notices, all of them dated 16.04.2021 issued to them for violation of provisions rules of 2014 Act and Haryana Street Vendors (Protection of Livelihood and Regulations of Street Vending) Rules, 2017.

3. Learned counsel for petitioners submits that firstly stereotyped show cause notice(s) have been issued without specifying the exact violation of which they are allegedly guilty. Thereafter Deputy Commissioner, Municipal Corporation Gurugram on 08.07.2021 on finding the detailed reply submitted by petitioners, to be unsatisfactory, concluded that there has been violation of applicable Act and Rules on account of illegal vending in the designated vending zone of Sector 14, Gurugram. Petitioners were, thus, directed to remove their respective carts alongwith objects and materials within a period of seven days. Learned counsel for petitioners vehemently argues that perusal of impugned final notices, all of them dated 08.07.2021, reveals that said orders are also cyclostyled copies, which displays total non-application of mind. Pleas raised by petitioners have not even been adverted to, much less considered and deliberated upon. Impugned notice(s), final notice(s) (orders), it is submitted, are absolutely illegally, arbitrary, contrary to applicable provisions of law and absolutely violative of principles of natural justice, hence, liable to be set aside. It is further submitted that impugned notice(s) could have been issued and final decision taken only by Town Vending Committee in terms of Section 10 of 2014 Act. It is, thus, prayed that both the writ petitions be allowed.

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4. Reply on behalf of respondent - Municipal Corporation has been filed, raising various grounds, defending the said notice(s). Dismissal of the writ petition is sought.

5. Heard learned counsel for parties and have perused the file with their assistance.

6. Sections 10 and 11 of the 2014 Act read as under:-

10. Cancellation or suspension of certificate of vending.-

Where a street vendor who has been issued a certificate of vending under this Act commits breach of any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud, the Town Vending Committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the certificate of vending or suspend the same in such manner as may be specified in the scheme and for such period as it deems fit:

Provided that no such cancellation or suspension shall be made by the Town Vending Committee unless an opportunity of hearing has been given to the street vendor.

11. Appeal from decision of Town Vending Committee.-

(1) Any person who is aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending under section 6 or cancellation or suspension of certificate of vending under section 10 may prefer an appeal to the local authority in such form, within such period, and in such manner, as may be prescribed.

(2) No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing.

7. 'Local Authority' defined in Section 2(c) of 2014 Act reads as under:-

(c) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006 (41 of 2006) or such other body entitled to function as a local authority in any city or town to provide civic services and

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regulate street vending and includes the “planning authority” which regulates the land use in that city or town.

8. Violation(s), which each of the petitioners is allegedly to have carried out, is not distinctly and particularly specified in the notice(s). Each of the notices specify eight violations of different nature. There is indeed no material to indicate the exact violation complained of or the factum of all violations being present in each case.

9. At this stage, it is to be noted that learned counsel for respondent – Corporation is unable to deny that show cause notice(s) dated 16.04.2021 as well as final notice(s) dated 08.07.2021 in any case are indeed cyclostyled/photostat copies of each other with only variation of the name of different petitioners.

10. In the given facts and circumstances, show cause notice(s) dated 16.04.2021 as well as final notice(s) dated 08.07.2021 are set aside with liberty to competent authority to take appropriate action in accordance with law against petitioners in respect to any violation which may have been carried out by them, after affording opportunity of hearing.

11. It is clarified that there is no expression of opinion on the merits of allegations qua violations carried out by petitioners.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

January 21, 2025
Rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No