2025:PHHC:092180-DB

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

CWP-15890-2025 (O&M)
Date of decision: 24.07.2025

Mukesh Giri and another ....Petitioners

Versus

The Chandigarh Administration and others ....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Jasbir Singh, Advocate, for the petitioners.

Mr. Sanjiv Ghai, Advocate, for the respondents.

****

ASHWANI KUMAR MISHRA, J. (Oral)

1. The petitioners, who are the elected members of the Town Vending Committee, Chandigarh, ('TVC'), have filed the instant writ petition under Articles 226/227 of the Constitution of India, with a prayer to quash the order dated 09.12.2024 (Annexure P-12). A further prayer is made to direct the respondents to provide sufficient office accommodation to the members of the TVC, within the premises of the Municipal Corporation, Chandigarh, to enable them to perform their duties. A direction is also sought against respondent No.2, to pay reasonable and respectable honorarium/allowance to the members of the TVC.

2. Furthermore, the petitioners have also prayed for issuance of a direction to the Chairperson, Town Vending Committee-cum-Commissioner Municipal Corporation, Chandigarh, to convene a meeting of TVC, at his own level or on receipt of requisition by 1/3rd members of the Committee, under Rule 19 of the Union Territory of Chandigarh,

Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015, (for short, 'Rules of 2015'), and to issue a notice of each meeting and supply the copy of the agenda in English as well as local language. Lastly, it is prayed that respondent No.2 be directed to hold meeting of the TVC, at least, twice in a month.

3. The order under challenge has been passed by the Commissioner, Municipal Corporation, Chandigarh-respondent No.3, vide which, it is recorded that all the representations have been considered and decided, in terms of the judgment dated 09.09.2024, rendered by this Court in ***CWP-22500-2024 (Mukesh Giri and another Vs. The Chandigarh Administration and others).*** Therefore, it is necessary to refer to the judgment (supra), and the same reads as under:-

> "*Learned counsel for the petitioners submit that at this stage, he would be satisfied if the present writ petition is disposed of with a direction to the Commissioner, Municipal Corporation, Chandigarh - respondent No.3 to take a decision on the representations dated 29.02.2024, 31.07.2024 and 21.03.2024 (Annexures P-3 to P-5) made by the petitioners.*
>
> *(2) Accordingly, at this stage, without commenting on the merits of the case, the present petition is disposed of with a direction to the Commissioner, Municipal Corporation, Chandigarh - respondent No.3 to take a decision on the aforesaid representation issued on behalf of the petitioners, by passing speaking order(s) and after affording opportunity of hearing to the petitioners, preferably within one month from the date of receipt of a copy of this order.*
>
> *(4) Needless to add that the decision so taken be communicated to the petitioners and if the same is not to the satisfaction of the petitioners, they would be at liberty to challenge the same, in accordance with law.*"

4. It is imperative to point out that the representations made by the petitioners are on the similar lines, as are their prayers in the writ petition. In nutshell, various grievances have been raised with regard to the conduct of the proceedings of the TVC.

5. Learned counsel for the petitioners submits that functioning of the TVC is hampered, on account of lack of proper space, being allotted to the members of TVC, and appropriate allowances are also not being paid to them. He further submits that, though the Constitution of the TVC is statutorily prescribed under Rule 12 (2) of the Rules of 2015, framed under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, (for short 'Act of 2014'), yet the authorities are not only permitting additional members to take part in the meetings of the TVC, but also to cast vote in the decision making process.

6. Per contra, the prayers made in the writ petition are opposed by learned counsel for the respondents. He submits that since, the Constitution of the TVC is in accordance with the Act of 2014, therefore, the privileges, which are available to the members of TVC, are also in consonance with the provisions thereof. He further submits that prescription of such privileges is alleged to be under the Rules of 2015. However, he asserts that all the privileges, as are admissible to the members of the TVC, have been extended to them. It is submitted that the last meeting of the TVC was convened on 11.07.2025, and prior to that, on 24.02.2025, and the agenda was circulated to all the members, including the petitioners. However, since a few of the elected members

did not turn up, and the quorum remained incomplete, the meeting could not be held.

7. Learned counsel for the petitioners, in response, submits that the elected members had only objected to the inclusion of outsiders, but they never refused to partake in the meeting.

8. We have heard learned counsel for the parties and perused the material available on record.

9. To begin with, Section 22 of the Act of 2014, provides for the Town Vending Committee, and thus, it is necessary to refer to Sub-section (1),which reads as under:-

> *"(1) The appropriate Government may, by rules made in this behalf, provide for the term and the manner of constituting a Town Vending Committee in each local authority."*

10. Further, Section 23 of the Act of 2014, which deals with meetings of TVC, is extracted hereinafter:-

> "**23. Meetings of Town Vending Committee**
>
> *(1) The Town Vending Committee shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and discharge such functions, as may be prescribed.*
>
> *(2) Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision."*

11. At this juncture, it is necessary to refer to Section 2 (h), which postulates the definition of " prescribed":-

'(h) "prescribed" means prescribed by rules made under this Act by the appropriate Government;'

12. To secure the object enumerated in the Act of 2014, the Central Government has framed the Rules of 2015. Rule 12 regulates the Constitution of the TVC, and accordingly, Sub-rule 2, is imperative to be referred to, which is as under:-

Sl. No.	Government Department and other Bodies	No. of members
(a)	Government Department -	
(i)	Chairperson (Municipal Commissioner or Chief Executive Officer)	01
(ii)	Representative of Police (preferably from the Traffic Division)	01
(iii)	Medical Officer of Health, Municipal Corporation Chandigarh	01
(iv)	Representative of Urban Planning Authority, Union Territory administration, Chandigarh	01
(v)	Superintendent of Police, Union Territory administration, Chandigarh	01
(b)	Other Bodies -	
(i)	Street vendors (one-third of whom shall be women vendors, with due representation of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities)	05
(ii)	Non-government organisations and community based Organisations	01
(iii)	Resident Welfare Associations	01
	Total	12

13. A bare perusal of the abovesaid provision of the Rules of 2015, makes it clear that 12 members constitute a TVC. The only other exigency in which the persons other than the 12 members could be associated with the TVC, is prescribed under Section 24 of the Act of 2014, which reads as under:-

"24.Temporary association of persons with Town Vending Committee for particular purposes:

(1) The Town Vending Committee may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may desire, in carrying out any of the provisions of this Act."

14. In furtherance of Section 24, as extracted above, Rule 22 has been carved out, as per which, a TVC may associate any suitable person of repute having adequate knowledge and experience in the field as expert, to obtain technical or professional advice on matters relating to the street vendors. Further, Rule 18 provides for emoluments payable to the members of TVC. According to which, every member of TVC, who is not holding any office of profit, shall be entitled to payment of Rs.1,000/- for attending each meeting of the TVC, or as may be fixed by the concerned local authority from time to time. The meetings of TVC ought to be held, in accordance with Rule 19 of the Rules of 2015. Before proceeding further with the matter, it shall be expedient to take note of Rule 19, and the same reads as under:-

"19. Meetings of Town Vending Committee.

(1) A Town Vending Committee shall ordinarily hold at least one meeting within a period of three months or at any such intervals as the Chairperson of the Town Vending Committee may decide for the transaction of its business:

Provided that the first meeting of a Town Vending Committee shall be convened by the Chairperson within forty five days of its constitution:

Provided further that a requisition meeting may be called by the Chairperson on a specific issue on the request of not less than one-third of the members of the Committee, *and the meeting shall be convened within seventy-two hours after receiving the request so made.*

(2) The meetings of a Town Vending Committee shall be held at the headquarters of the local authority or at such place within the jurisdiction of the local authority as may be decided by the Chairperson.

(3) A notice shall be issued before seven days of a scheduled meeting to all the members of the Town Vending Committee, along-with the agenda of the meeting.

(4) The quorum for the meeting shall be two-third members of the total strength of the Town Vending Committee.

(5) No meeting shall be held in the absence of the quorum and where there is no quorum, the meeting shall be adjourned."

15. Rule 20 (1), which deals with the procedure for transaction of business of Town Vending Committee, reads as under:-

"20. Procedure for transaction of business of Town Vending Committee.

(1) The Town Vending Committee may follow such procedure for transaction of its business as may be decided by the Chairperson in consultation with the members."

16. According to the aforesaid provision, the TVC may follow such procedure for transaction of its business, as may be decided by the Chairperson in consultation with the members.

17. For every meeting, quorum is one of the inevitable requirements, and Sub-rule 2 of Rule 20 deals therewith:-

"*(2) Subject to the provisions of the Act and these rules and notwithstanding anything contained in the bye-*

laws, the resolution passed in a meeting of a Town Vending Committee shall be by not less than two-thirds of the members present and voting in the meeting."

18. A thorough analysis of the provision, as noticed hereinabove, takes us to the conclusion that the TVC has to be constituted in the manner as is prescribed under Rule 12 (2), according to which, there can be 12 members of the Committee. Though, Section 24 read with Rule 22 permits temporary association of experts, for the assistance of the TVC, but such association would not result in alteration of the composition of the TVC, in any manner. The TVC, at its discretion, in accordance with the Act and Rules (supra), may call for service of experts, but their role would be confined to rendering assistance in the field of their expertise. But, in any case, such members cannot have any right to cast vote. It is, therefore, clarified that as and when, the TVC meets, and any technical expert is invited, such association would be limited to tendering advice or consultation, but it would not confer a right to vote upon such experts/members.

19. So far as the grievance of the petitioners with regard to payment of allowance etc., is concerned, entitlement of the members of TVC would flow from the Rules framed by the appropriate authority. Accordingly, as indicated above, the members are entitled to get Rs.1,000/- only, for attending each meeting, but the member shall not be holding any office of profit. No further allowance is admissible, unless the local authority takes a different view. However, nothing on record exists to show that any additional benefit has been made admissible to the

members of the TVC. The petitioners, therefore, would have to rest contended with the payment of Rs.1,000/-, for each meeting they attend.

20. As far as prayer of the petitioners with regard to the meetings of the TVC is concerned, the Rules prescribe that ordinarily, one meeting would be held within a period of three months or at any such intervals as the Chairperson of the TVC may decide for the transaction of its business, whereas, second proviso to Rule 19 pre-supposes that a requisition meeting may be called by the Chairperson on a specific issue, on the request of not less than one-third of the members of the Committee, and the meeting shall be convened within seventy-two hours, after receiving such request. However, the petition at hand is silent about any such requisition meeting having been convened, in terms of Rule 19. Thus, in the absence of any such requisition, the meeting of the TVC shall ordinarily be held once within a period of three months. In this backdrop of the matter, no direction can be issued to the respondents to hold meetings twice in a month. In case any exigency arises, it is always open to the members of TVC to proceed with, in terms of second proviso to Rule 19. It goes without saying that, if such a requisition is made, a meeting would be called.

21. Coming to the next prayer of the petitioners, i.e. for allotment of space to the members, learned counsel for the petitioners is unable to show that such a privilege would flow from any of the provisions of the Rules of 2015. In this regard, the only provision, which is embodied under Rule 19(2), is that a meeting of the TVC shall be held at the headquarters of the local authority or at such place within the jurisdiction of the local authority, as may be decided by the Chairperson.

Therefore, there is no stipulation that members of the TVC would be allocated any separate space or office. In the absence of any such provision, it would be difficult to accede to the prayer made by the petitioners for issuance of a Mandamus, in this regard.

22. Coming to the prayer with regard to issuance of agenda to the members of TVC in Hindi, learned counsel for the respondents fairly submits that since 2024, all agendas are being circulated in both languages, i.e. Hindi and English. Thus, the prayer pales into insignificance.

23. In the wake of the reasons recorded hereinabove, no directions are required to be issued, at this stage, to the respondents.

24. The writ petition is accordingly **disposed of**.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

24.07.2025
Ak Sharma

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