



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Reserved on: 10.07.2025
Pronounced on: 07.08.2025

1.

CWP-33040-2024 (O&M)

PAWAN KUMAR AND OTHERS

... PETITIONERS

Versus

UNION TERRITORY CHANDIGARH AND OTHERS

... RESPONDENTS
2.

CWP-22499-2024(O&M)

NEERAJ KUMAR AND ORS

... PETITIONERS

Versus

UNION TERRITORY CHANDIGARH AND OTHERS

... RESPONDENTS
3.

CWP-27823-2024(O&M)

JYOTI SARUP AND OTHERS

... PETITIONERS

Versus

UNION TERRITORY CHANDIGARH AND OTHERS

... RESPONDENTS
4.

CWP-9488-2025(O&M)

RAM KUMAR MAHTO

... PETITIONER

Versus

UNION TERRITORY CHANDIGARH AND OTHERS

... RESPONDENTS



5. CWP-260-2025(O&M)

NIRAJ KUMAR

... PETITIONER

Versus

UNION OF INDIA AND OTHERS.

... RESPONDENTS

6. CWP-13859-2025(O&M)

MOHD. PARVEZ KHAN

... PETITIONER

Versus

UNION TERRITORY CHANDIGARH AND OTHERS.

... RESPONDENTS

7. CWP-13883-2025(O&M)

GURVINDER KAUR MATTA

... PETITIONER

Versus

UNION TERRITORY CHANDIGARH AND OTHERS.

... RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

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

Mr. Sanjiv Ghai, Advocate,
for the Municipal Corporation, Chandigarh.

SANJIV BERRY, J.

1. The petitioners in the aforesaid writ petitions have sought quashing of the notice issued by the Town Vending Committee (hereinafter referred to as 'TVC') and also seeking quashing of the resolution passed by the TVC, Municipal Corporation Chandigarh.



2. Learned counsel for the the petitioners *inter alia* contends that the petitioners happen to be Registered Street Vendors as per Street Vendors (Protection of Livelihood and Regulation of Street Vending), Act 2014 (hereinafter referred to as ‘Act of 2014’) and alleges that the respondents have threatened to shift them to remote areas where even the basic amenities are not available. The representations made by the petitioners were not given heed to by the respondent Authority, hence the present writ petitions.

3. *Per contra* learned Counsel representing the respondents submits that the petitioners have preferred the present writ petitions without availing remedy of appeal specifically provided under the Act of 2014. He refers to Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015 (hereinafter referred to ‘Street Vending Rules, 2015’). Moreover, the provision of appeal is provided under Section 11 of the Act of 2014 against any decision of the TVC. He further submits that the Dispute Redressal Mechanism is also provided in the Act itself vide Section 20 thereof. The petitioners have straightaway come to this Court without availing the efficacious remedy of appeal available to them under the provisions of Act itself. Hence he submits that the instant petitions are liable to be rejected.

4. Arguments advanced by learned counsel for the parties have been considered.

5. At the very outset, it is not disputed that by way of instant writ petitions the petitioners have challenged the decision/resolution passed by the TVC qua their re-allocation to some other site. Section 11 of the Act of 2014



specifically provides for the remedy of appeal to any person who is aggrieved by any of the decision passed by the TVC.

6. Section 11 of the Act of 2014, provides as under:-

“ 11. Appeal from the decision of Town Vending Committee.-(10 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. Moreover, the Street Vending Rules, 2015 are also in force. Rule 9 and 10 thereof provides for constitution of Appellate Authority for redressal of the grievances. It has been apprised by learned counsel for the respondents that in exercise of the powers conferred under Rules 9 and 10 of the Street Vending Rules, 2015, the Appellate Authority has been duly constituted by the General House of the Municipal Corporation in its 339th meeting held on 26.09.2024 for hearing of appeals against orders passed by Grievance Redressal and Dispute Resolution Committee (GRDRC) and the TVC for the UT. Chandigarh.

8. The petitioners have filed the instant writ petitions invoking Article 226 of the Constitution of India without availing efficacious alternative remedy of appeal available to the petitioners under the provisions of the Act of 2014 itself for redressal of their grievances. Moreover, certain factual aspects have also been raised in the instant petitions.



9. Since, the petitioners have alternative efficacious remedy of appeal provided under Section 11 of the Act of 2014 read with Rule 10 of the Street Vending Rules, 2015, therefore, this Court declines interference on merits and relegates the petitioners to avail the said remedy of appeal, which if availed by the petitioners within a period 30 days from the passing of the order, the same shall be entertained and decided on merits by the concerned Authority, without being dismissed on the ground of limitation alone.
10. The writ petitions stand disposed of accordingly.
11. All the pending miscellaneous applications, if any, are also disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 07.08.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |