Salunke

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6150 OF 2025

JAYANT VISHWANATH SALUNKE
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Date: 2026.10.23 10:51:34 +0530

Janwadi Hawkers Sabha	}	Petitioner
Versus		
Mira Bhayandar Municipal Corporation & Ors.	}	Respondents

Ms. Gayatri Singh, Senior Advocate with Ms. Hosanna Fernandez, Advocates for the Petitioner.

Mr. Narayan R. Bubna with Mr. Aryanraj A. Achhra, Advocates for Respondent No. 1 (MBMC).

Ms. Neha S. Bhide, Government Pleader with Ms. M. P. Thakur, AGP for Respondent Nos. 2 & 4 (State).

Mr. G. H. Mohanty, Advocate for Respondent No. 3.

Mr. Vikramjeet Garewal i/b. Mr. Indraraj Yadav, Advocates for Respondent No. 5.

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 22nd OCTOBER, 2026

P.C.:

1. This instant Writ Petition is preferred by the Petitioner under Article 226 of the Constitution of India, *inter alia*, for the following substantive reliefs: -

> *a. Issue a writ of declaration or any other writ, order, or direction declaring the following as illegal, void ab initio, ultra vires the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and Maharashtra Municipal Corporations Act, 1949, and*

violative of Article 14, 19(1)(g), 21, and 265 of the Constitution of India:

i. The Administrative Resolution No. 195, dated 07/08/2023, issued by the Mira Bhayandar Municipal Corporation [Exhibit A @ Page No. 38 to 41];

ii. The grant of the tender issued by the Respondent No.1, to the Respondent No. 5, vide letter of acceptance dated 23/09/2024, for collection of market fees from street vendors operating in Bhayandar (East), Mira Road to Chena, Bhayandar (West) and Murdha to Uttan Divisions; and

iii. The agreement dated 27/09/2024, executed by the Respondent No. 1 and the Respondent No. 5 in pursuance of the aforementioned tender to authorize the Respondent No. 5 to collect market fees from street vendors operating in Bhayandar (East), Mira Road to Chena, Bhayandar (West) and Murdha to Uttan Divisions [Exhibit B @ Page No. 42 to 62];

b. Issue a writ of declaration or any other writ, order, or direction declaring that the Respondent No. 1 Corporation and/or its staff, agents, or representatives cannot collect "market fees" from street vendors and hawkers under the Maharashtra Municipal Corporations Act, 1949 ("the MMC Act") as the hawkers / street vendors do not carry out vending in municipal markets, slaughterhouses and stock-yards;

c. Issue a writ of mandamus or any other writ, order or direction restraining the Respondents from enforcing or operating under or taking any steps against hawkers and street vendors under the following:

i. The Administrative Resolution No. 195, dated 07/08/2023, issued by the Mira Bhayandar Municipal Corporation [Exhibit A @ Page No. 38 to 41];

ii. The grant of the tender issued by the Respondent No.1, to the Respondent No. 5, vide letter of acceptance dated 23/09/2024, for collection of market fees from street vendors operating in Bhayandar (East), Mira Road to Chena, Bhayandar (West) and Murdha to Uttan Divisions; and

iii. The agreement dated 27/09/2024, executed by the Respondent No. 1 and the Respondent No. 5 in pursuance of the aforementioned tender to authorize the Respondent No. 5 to collect market fees from street vendors operating in Bhayandar (East), Mira Road to Chena, Bhayandar (West) and Murdha to Uttan Divisions [Exhibit B @ Page No. 42 to 62];

d. Issue a writ of mandamus or any other writ, order, or direction restraining the Respondent No. 1 Corporation and / or its staff, agents, or representatives from collecting "market fees" from street

vendors and hawkers under the Maharashtra Municipal Corporations Act, 1949 ("the MMC Act") as they do not operate as in municipal markets, slaughterhouses and stock-yards;

e. Issue a writ of mandamus or any other writ, order, or direction to the Respondent No. 1 and Respondent No. 5 to furnish on oath the details the "market fees" collected by them from hawkers / street vendors during the period from 27/09/2024 to till date;

f. Issue a writ of mandamus or any other writ, order, or direction to the Respondent No. 1 and Respondent No. 5 to transfer the "market fees" collected by them from 27/09/2024 till today in a separate bank account which will be managed by the Respondent No. 1 and the monies thereof be used for the benefit of hawkers / street vendors and for constructing civic amenities such as water coolers, toilets, first aid facility, waste sorting bins in the vending zones and for creating welfare schemes and self-help groups for hawkers.

2. Pursuant to the earlier order of this Court dated 8th October 2026, Ms. Gayatri Singh, learned Senior Advocate for the Petitioners has tendered an Additional-Affidavit dated 21st October 2026 along with the details of hawkers represented by the Petitioner-Union. The said Additional-Affidavit is taken on record.

3. Ms. Singh submits that the Petitioner-Union has challenged the validity and legality of the Administrative Resolution No. 195 dated 7th August 2023 issued by Respondent No. 1-Mira Bhayandar Municipal Corporation, whereby the Respondent-Corporation has decided to levy “market fees” on the street vendors with an annual increase of 20% every year and has decided to float tenders to appoint contractors for three years to collect market fees on behalf of the Respondent-Corporation from street vendors.

4. Ms. Singh submits that the members of the Petitioner-Union have been hawking and street vending in the area of Respondent-Corporation since many years. In the year 2014, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (***"Street Vendors Act"*** for short) was introduced to protect the rights of urban street vendors and to regulate street vending activities. Thereafter, by the Administrative Resolution No. 195 dated 7th August 2023, the Respondent-Corporation decided to levy market fees on street vendors. On 10th August 2024, a public notice was published notifying the intent of the Respondent-Corporation of floating a tender and appointing a private contractor for collection of market fees. Pursuant to the said notice, an auction was held by way of e-auction and the tender was allotted to Respondent No. 5. An Agreement dated 27th September 2024 was executed between Respondent-Corporation and Respondent No. 5 authorizing Respondent No. 5 to collect market fees from the street vendors (***"Impugned Contract"*** for short).

5. Ms. Singh submits that on 11th February 2025, the Petitioner-Union made a representation to Respondent-Corporation seeking clarity on the legality of collection of market fees as well as seeking cancellation of the Impugned Contract. However, till date, the Petitioner-Union has not received any response nor has the

Respondent-Corporation taken any steps against Respondent No. 5 for acting in breach of the terms of its appointment.

6. In this backdrop, Ms. Singh would contend that the impugned Administrative Resolution, Tender and the Impugned Contract are illegal, *void ab initio, ultra vires* the Street Vendors Act and the Respondents have acted beyond their jurisdiction. She would further contend that because of the enforcement of the impugned Administrative Resolution, Tender and the Impugned Contract, the hawkers and street vendors are unable to carry out their business peacefully. She further submits that by delegating the authority of Respondent-Corporation to collect market fees from the street vendors to Respondent No. 5, the Respondent-Corporation has violated the provisions of the Street Vendors Act.

7. Ms. Singh would submit that the Respondent-Corporation cannot arbitrarily levy non-applicable market fees simply because they are unable to levy "vending fees" due to their failure to set up the Elected Town Vending Committee and conducting registration of hawkers and issuance of licenses. In light of the above, she would urge that the Writ Petition be allowed.

8. Per Contra, Mr. Narayan Bubna, learned Counsel appearing on behalf of the Respondent-Corporation has invited our attention

to the relevant provisions of the Street Vendors Act and submits that the same was enacted to protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.

9. Mr. Bubna would further invite our attention to Section 21 of the Street Vendors Act and submits that every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule. The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before notifying the plan, determine the norms applicable to the street vendors.

10. Mr. Bubna would further submit that Section 22 of Street Vendors Act, which provides for a special mechanism such as Town Vending Committee (***"TVC"*** for short) to deal with the issues related to the street vendors. In view thereof, the Petitioner-Union ought to have firstly approached the said TVC instead of approaching this Court directly. He would, therefore, submit that the instant Writ Petition may be disposed by granting liberty to the Petitioner-Union to approach the TVC for redressal of its grievances and thereafter,

in case the Petitioner is aggrieved, it can avail of the appropriate remedy, as available in law.

11. We have heard the learned Counsel for the parties and with their assistance, perused the record. In order to properly appreciate the rival contentions, the relevant provisions of the Street Vendors Act are reproduced as under: -

> *21. (1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.*
>
> *(2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before notifying the plan, determine the norms applicable to the street vendors.*
>
> *22. (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:*
>
> *Provided that the appropriate Government may, if considers necessary, provide for constitution of more than one Town Vending Committee, or a Town Vending Committee for each zone or ward, in each local authority.*
>
> *(2) Each Town Vending Committee shall consist of:—*
>
> *(a) Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and*
>
> *(b) such number of other members as may be prescribed, to be norminated by the appropriate Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper;*
>
> *(c) the number of members nominated to represent the non-governmental organisations and the community based organisations shall not be less than ten per cent.;*
>
> *(d) the number of members representing the street vendors*

shall not be less than forty per cent. who shall be elected by the street vendors themselves in such manner as may be prescribed:

Provided that one-third of members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors.

(3) The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.

23. (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.

24. (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.

(2) A person associated under sub-section (1) shall be paid such allowances as may be prescribed.

25. The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.

26. (1) Every Town Vending Committee shall publish the street vendor's charter specifying therein the time within which the certificate of vending shall be issued to a street vendor and the time within which such certificate of vending shall be renewed and other activities to be performed within the time limit specified therein.

(2) Every Town Vending Committee shall maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued containing name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and such other particulars which may be relevant to the street vendors, in such manner as may be prescribed.

(3) Every Town Vending Committee shall carry out social audit of its activities under the Act or the rules or the schemes made thereunder in such form and manner as may be specified in the scheme.

12. On a perusal of the aforesaid provisions, we find is that the Street Vendors Act is a self contained Act, which provides for a complete mechanism to address the grievances of street vendors or hawkers. In view thereof and considering the reliefs sought in the instant Writ Petition, we do not find it necessary to go into the merits of the matter, at this juncture. Instead, we deem it necessary to relegate the Petitioner-Union to the TVC, of the Respondent-Corporation.

13. The record bears out that the Petitioner-Union had already filed a Representation dated 11th February 2025 before the Respondent-Corporation. Accordingly, we grant one more indulgence to the Petitioner to file a comprehensive Representation raising all the grievances of the members of the Petitioner-Union before the TVC, annexing therewith all the necessary documents including the documents filed along with the Additional-Affidavit dated 21st October 2026, which are taken on record by this Court today. If the Petitioner- Union files such detailed Representation within a period of two weeks from the date of uploading of this order, we expect the TVC to consider and decide the said Representation, independently, on its own merits and in accordance with law, as expeditiously as possible and in any case, within a period of three months thereafter, certainly after affording sufficient

opportunity of hearing to all the stakeholders.

14. With the aforesaid direction, the Writ Petition is Disposed Of, without adverting to the merits of the matter and keeping all contentions of the parties open.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**