

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L.) NO. 29339 OF 2024

The Maharashtra Ekta Hawkers Union]
 Through President Nawaj Khan]
 Room No.-406, Andheri United CHS Ltd.,]
 Andheri-West, Mumbai-400 058] ... Petitioner

V/s.

1. Town Vending Committee – MCGM]
 Municipal Corporation of Greater Mumbai]
 Through its Chairperson]
 Mahapalika Bhavan, Mahapalika Marg]
 Mumbai – 400 014.]

2. Municipal Corporation of Greater Mumbai]
 Through its Municipal Commissioner]
 Mahapalika Bhavan, Mahapalika Marg]
 Mumbai – 400 014.]

3. State of Maharashtra,]
 Through the Principal Secretary,]
 Urban Development Department,]
 Mantralay, Madam Cama Road,]
 Hutatma Rajguru Square,]
 Nariman Point, Mumbai – 400 032.]

4. Commissioner of Labour]
 Kamgar Bhavan, 4th Floor, C-20, E Block,]

Opp. Reserve Bank, BKC, Bandra (East),]
 Mumbai – 400 001.] ... Respondents

WITH

WRIT PETITION NO. 3690 OF 2025

Janwadi Hawkers Sabha]
 Through President K. Narayan]
 CITU Office, Bhaktawar Building, 2,]
 Station Road, Andheri (West),]
 Mumbai – 400 058.] ... Petitioner

V/s.

1. Town Vending Committee – MCGM]
 Municipal Corporation of Greater Mumbai]
 Through its Chairperson]
 Mahapalika Bhavan, Mahapalika Marg]
 Mumbai – 400 014.]

2. Municipal Corporation of Greater Mumbai]
 Through its Municipal Commissioner]
 Mahapalika Bhavan, Mahapalika Marg]
 Mumbai – 400 014.]

3. State of Maharashtra]
 Through the Principal Secretary,]
 Urban Development Department,]
 Mantralaya, Madam Cama Road,]
 Hutatma Point, Mumbai – 400 032.]

4. Commissioner of Labour]
 Kamgar Bhavan, 4th Floor, C-20, E Block,]
 Opp. Reserve Bank, BKC, Bandra (East),]

Mumbai – 400 051.

] ... Respondents

WITH

WRIT PETITION NO. 3700 OF 2025

All India Trade Union Congress

]

(AITUC) Hawkers Union

]

Through its General Secretary

]

Syed Haider Imam

]

Having its office at,

]

Andheri Trade Union Centre,

]

Ghanshyam Patil Building,

]

S.V. Road,

]

Andheri(W), Mumbai – 58

]

... Petitioner

V/s.

1. Municipal Corporation of Greater Mumbai]

Through its Municipal Commissioner]

Mahapalika Bhavan, Mahapalika Marg,]

Mumbai – 400 014.]

2. Town Vending Committee – MCGM]

Municipal Corporation of Greater Mumbai]

Through its Chairperson]

Mahapalika Bhavan, Mahapalika Marg]

Mumbai – 400 014.]

3. Labour Commissioner,]

Kamgar Bhavan, 4th Floor, C-20, E Block,]

Opp. Reserve Bank, BKC,]

Bandra(E), Mumbai – 51.]

4. State of Maharashtra,]
Through the Principal Secretary,]
Urban Development Department,]
Mantralaya, Madam Cama Road,]
Mantralaya, Madam Cama Road,]
Hutatma Rajguru Square,]
Nariman Point, Mumbai – 400 032.]
5. Union of India]
Through its State Mission Director]
DAY – NULM, Maharashtra,]
5th Floor, CIDCO Bhavan,]
Sector 10, CBD Belapur,]
Navi Mumbai – 400 614]
6. Union of India]
Through the Secretary]
Ministry of Housing and Urban Affairs]
New Delhi – 110011] ... Respondents

WITH

WRIT PETITION (L.) NO. 7275 OF 2025

1. Maharashtra Hawker Sangh,]
Mumbai, affiliated to]
Bharathiya Mazdoor Sangh]
Through its President,]
Mangesh Malondkar, Indian]
Inhabitant, Age : 46 Years]
having Office at C/o BMS, Room No.25,]
Ibrahim Mention, Dr. Babasaheb Ambedkar Road,]
Parel, Mumbai – 400 012.]

2. Mr. Subhash Chandra Bachale,]
 Indian Inhabitant, Age 42 Years,]
 residing at C/200, Lalita Building]
 Shivshakti Nagar, Nariman Point, Mumbai 21]
 Workplace/area at Maha Kavi Bhushan]
 Marg, A Ward, Colaba, Mumbai 400 001.]

3. Pradeep Asaram Phule]
 Indian Inhabitant, Age : 44 Years,]
 residing at Room No. TA-144,]
 Panchsheel Nagar, Laxman Mhatre Road]
 Borivali (W) Mumbai – 400 103]

4. Vinod Bhimrao Pakhare,]
 Indian Inhabitant, Age : 42 Years,]
 residing at Room No.7, Tilak Nagar, L.T.]
 Road, Babhai Naka, Borivali(W)]
 Mumbai – 400 092]

5. Sitaram Laxman Mane,]
 Indian Inhabitant, Age : 49 Years,]
 residing at Room No.210, Kurla Kadam]
 CHS, Kurla (E) Mumbai 31]
 Workplace / area at Near Milk Booth No.]
 CTS/WA/45, Opp. Building No.40, Nehru]
 Nagar, Kurla (E), Mumbai 400 024]

... Petitioners

V/s.

1. Town Vending Committee,]
 Municipal Corporation of Greater Mumbai]
 Through its Chairperson,]

Mahapalika Bhavan, Mahapalika]
 Marg, Mumbai 400 014.]

2. Municipal Corporation of Greater Mumbai]
 Through its Municipal Commissioner]
 Mahapalika Bhavan, Mahapalika]
 Marg, Mumbai 400 014.]

3. State of Maharashtra]
 Through Principal Secretary]
 Urban Development Department]
 Mantralaya, Madam Cama Road]
 Hutatma Rajguru Square]
 Nariman Point, Mumbai 0 400 032.]

4. Commissioner of Labour]
 Kamgar Bhavan, 4th Floor, C-20 E Block]
 Opp. Reserve Bank, BKC, Bandra (E)]
 Mumbai 400 051.] ... Respondents

WITH

WRIT PETITION (L.) NO. 25070 OF 2024

Hawkers Joint Action Committee]
 Through its member Santosh Khatavkar]
 Having office at: 269, 2, near Roop Jeevan]
 Medical, Kopaikhairne, Navi Mumbai]
 400 709] ... Petitioner

V/s.

1. Town Vending Committee – MCGM]
 Municipal Corporation of Greater Mumbai]
 Through its Chairperson]

Mahapalika Bhavan, Mahapalika Marg	]	
Mumbai – 400 014.	]	
2. Municipal Corporation of Greater Mumbai	]	
Through its Municipal Commissioner	]	
Mahapalika Bhavan, Mahapalika Marg	]	
Mumbai – 400 014.	]	
3. State of Maharashtra,	]	
Through the Principal Secretary,	]	
Urban Development Department,	]	
Mantralaya, Madam Cama Road,	]	
Hutatma Rajguru Square,	]	
Nariman Point, Mumbai – 400 032.	]	
4. Commissioner of Labour	]	
Kamgar Bhavan, 4 th Floor, C-20, E Block,	]	
Opp. Reserve Bank, BKC, Bandra (East),	]	
Mumbai – 400 051.	]	... Respondents

WITH

WRIT PETITION NO. 727 OF 2025

WITH

INTERIM APPLICATION (L) NO.8953 OF 2025

WITH

INTERIM APPLICATION (L) NO.9689 OF 2025

Colaba Causeway Tourism	]
Hawkers Stall Union	]
Through its President	]
Mr. Mohammed Ismail G.R. Shaikh	]

Having its registered office at:]
 Shalimar Building, 1st Floor,]
 Flat No. 118, Strand Cinema Road,]
 Colaba, Mumbai — 400005.] ... Petitioner

V/s.

1. State of Maharashtra through]
 Urban Development Dept.]
 Having its office at, Mantralaya,]
 Madam Cama Road, Mumbai – 400 032.]

2. Brihanmumbai Municipal]
 Corporation, through the]
 The Municipal Commissioner,]
 Having its office at BMC Head Quarter,]
 Mahanagar Palika Marg,]
 Mumbai 400 001.]

3. Assistant Commissioner-]
 A-Ward, having its office at]
 A-Ward BMC Building, Ground Floor,]
 134-E, Shahid Bhagat Singh Road, Fort,]
 Mumbai – 400 001.]

4. Senior Inspector,]
 Encroachment Dept]
 Having its office at A-Ward BMC]
 Building, 3rd Floor,]
 134-E, Shahid Bhagat Singh Road,]
 Fort, Mumbai – 400 001.]

5. Senior Inspector,]
License Department]
Having its office at A-Ward BMC]
Building, 5th Floor,]
134-E, Shahid Bhagat Singh Road,]
Fort, Mumbai – 400 001.]
6. The Commissioner of]
Police of Greater Mumbai]
Having its office, D.N. Road, Opp.]
Crawford Market, Mumbai – 400 001.] ... Respondents

WITH

WRIT PETITION (L.) NO. 4024 OF 2025

1. Omprakash N. Mangalam]
Aged about : 42 years old, Occ.:]
Business, R/o. Bright Land Plaza, S.T.]
Road, A/203, 2nd Floor, Nallasopara]
(West), Mumbai – 401 203.]
2. Imran Noor Mohd. Kapadia]
Aged about: 36 years old, Occ.:]
Business, R/o. 5, Fatimabai Chawl,]
Khoja Galli, Nr. Star Bakery, Versova,]
Andheri (West), Mumbai – 400 061.]
3. Subhash Dukhi Khudbudh]
Aged about: 50 years old, Occ.:]
Business, R/o. Bright Land Plaza, S.T.]
Road, A/204, 2nd Floor, Nallasopara,]
(West), Mumbai – 401 203.]

4. Housabai Ramchandra Umre]
Aged about: 75 years old, Occ.:]
Business, R/o. Gumbha Road Municipal]
Marathi School, Near Highway,]
Jogeshwari (East), Mumbai – 400 060.]
5. Parasnath S/o. Bechan Gupta]
Aged about: 80 years old, Occ.:]
Business, R/o. Yashwant Gaurav Nagar,]
Sreenath Face-2, B/001, Nallasopara]
(West), Mumbai 401 203.]
6. Mahesh S/o. Kantilal Rupani]
Aged about: 60 years old, Occ.:]
Business, R/o A/102, Himalaya]
Building, Near Panchmukhi Mandir,]
Nallasopara (West), Mumbai 401 203.]
7. Bilal Aboobakar]
Aged about: 54 years old, Occ.:]
Business, R/o. Gr. Floor 01, Asmita Haji]
Hasan Apartment, Naya Nagar, Mira]
Road (East), Near Al Shams Masjid,]
Dist. Thane – 401 107.]
8. Abdul Rashid]
Aged about: 66 years old, Occ.:]
Business, R/o. A/701, Sunshine Garden,]
Bori Colony, Achole Road, Opp. St.]
Joseph English High School,]

Nalasopara (East), Dist. Palghar – 401 209.	]	
9. Mohmad Nafis Gulam	]	
Aged about: 61 years old, Occ. Business,	]	
E/63, Jija Mata Nagar, Dr. E Moses	]	
Road, Worli, Mumbai – 400 018.	]	... Petitioners
V/s.		
1. Town Vending Committee- MCGM	]	
Municipal Corporation of Grater	]	
Mumbai, Through its Chairperson /	]	
Chairman, Mahapalika Bhavan,	]	
Mahapalika Marg, Mumbai – 400 014.	]	
2. Municipal Corporation of	]	
Greater Mumbai,	]	
Through its Municipal Commissioner,	]	
Mahapalika Bhavan, Mahapalika Marg,	]	
Mumbai – 400 014.	]	
3. The State of Maharashtra	]	
Through the Principal Secretary, Urban	]	
Development Department, Mantralaya,	]	
Madam Cama Road, Hutatma Rajguru	]	
Chowk, Nariman Point, Mumbai – 400 032.	]	
4. The Commissioner of Police	]	
Office of the Commissioner of Police,	]	
Having its office at Opp. Crawford	]	
Market, Lokmanya Tilak Road, Dhobi	]	
Talao, Chatrapati Shivaji Terminus Area,	]	
Fort, Mumbai – 400 001.	]	

5. The Sr. Inspector of Police]
 Having its office at Mata Ramabai]
 Ambedkar Marg, Near Haj House,]
 Chatrapati Shivaji Terminus Area, Fort,]
 Mumbai – 400 001.] ... Respondents

WITH

WRIT PETITION (L.) NO. 4022 OF 2025

1. Yusuf Hussain Mystry]
 Aged about: 79 years old, Occ.:]
 Business, R/o. Aagoshe Aman Bldg., 2nd]
 Floor, Room No.24, Nishan Pada Road,]
 Khadak Chinch Bunder, Mumbai – 400 009.]

2. Shakeel Ahmed Shaikh]
 Aged about 59 years old, Occ.:]
 Business, R/o. Kadri Building, 3rd Floor,]
 Room No.6, Chimat Pada, Marol Naka,]
 Mumbai – 400 059.]

3. Anil Kumar Jaiswal]
 Aged about: 47 years old, Occ.:]
 Business, R/o. Ganesh Murti Nagar,]
 Room No.B/38, Galli No.10, Prakash]
 Peth Marg, Colaba, Mumbai – 400 005.]

4. Mohd. Naushad Khan]
 Aged about 45 years old, Occ.:]
 Business, R/o. 24 Floor-1 Plot-14/18,]
 Bori Chawl, Kamathipura, 13th Lane,]
 Mumbai Central, Mumbai – 400 008.]

5. Hakim Ashfaque Khan]
Aged about: 48 years old, Occ.:]
Business, R/o. 4 floor grd, Plot No/69,]
N.S. Kabrastan Chawl, Mazgaon, Santi]
Savita Marg, Below Rey Road Station,]
Mumbai – 400 010.]

V/s.

1. Town Vending Committee-MCGM]
Municipal Corporation of Greater Mumbai,]
Through its Chairperson / Chairman,]
Mahapalika Bhavan, Mahapalika Marg,]
Mumbai – 400 014.]

2. Municipal Corporation of Greater]
Mumbai,]
Through its Municipal Commissioner,]
Mahapalika Bhava, Mahapalika Marg,]
Mumbai – 400 014.]

3. The State of Maharashtra]
Through the Principal Secretary, Urban]
Development Department, Mantralaya,]
Madam Cama Road, Hutatma Rajguru]
Chowk, Nariman Point, Mumbai – 400 032.]

4. The Commissioner of Police]
Office of the Commissioner of Police,]
Having its office at Opp. Crawford]
Market, Lokmanya Tilak Road, Dhobi]
Talao, Chatrapati Shivaji Terminus Area,]
Fort, Mumbai – 400 001.]

5. The Sr. Inspector of Police	]	
Having its office at Mata Ramabai	]	
Ambedkar Marg, Near Haj House,	]	
Chatrapati Shivaji Terminus Area, Fort,	]	
Mumbai – 400 001.	]	... Respondents

Mr. Jamshed Mistry a/w. Mr. Dipesh Siroya, Amicus Curiae.

Mr. Punit Jain, Senior Advocate a/w. Adv. S. Khan for the Petitioner in WP/29339/2024.

Ms. Gayatri Singh, Senior Advocate a/w. Mr. Khalik Rehman, Mr. Shantanu Shetty for the Petitioners in WPL/3690/2025 and WPL/25070/2024.

Mr. Mihir Desai, Senior Advocate a/w. Mr. Kaustubh Gidh for the Petitioner in WP/3700/2025.

Mr. Pradhuman Chauhan a/w. Adv. Ratiullah Shaikh, Mr. Zainab Shaikh for the Petitioner in WP/727/2025.

Ms. Leela Malu for the Petitioner in WPL/7275/2025.

Mr. Prerak Choudhary a/w. Ms. Anisha Balse for the Applicant in IAL/8953/2025 in WP/727/2025.

Ms. P.H. Kantharia, GP a/w. Ms. Apporva Tipsay 'B' Panel Counsel, Ms. Rita Joshi, AGP for the Respondent-State in WPL/4022/2025.

Ms. P.H. Kantharia, GP a/w. Ms. Apporva Tipsay 'B' Panel Counsel, Mr. Nishigandh Patil, AGP for the Respondent-State in WPL/4024/2025.

Mr. D.P. Singh for Respondent No.6-Union of India in WP/3700/2025.

Ms. P.H. Kantharia, GP a/w. Mr. Mohit Jadhav, Addl. GP for Respondent Nos.1 to 6-State in WP/727/2025.

Ms. P.H. Kantharia, GP a/w. Mr. Jay Shanklecha 'B' Panel Counsel, Ms. Madhura Deshmukh for Respondent No.3 & 4 – State in WPL/7275/2025.

Ms. P.H. Kantharia, GP a/w. Ms. Jyoti Chavan, Addl. G.P., Ms. Fatima Lakdawala, AGP for Respondent Nos.3 and 4-State in WP/3690/2025.

Ms. P.H. Kantharia, GP a/w. Mr. Amar Mishra, AGP for Respondent Nos.3 & 4 – State in WP/3700/2025.

Mr. Mohit Jadhav, Addl. GP a/w. Mr. Vikrant Parshurami, AGP for Respondent Nos.3 and 4-State in WPL/25070/2024.

Ms. P.H. Kantharia, GP a/w. Mr. Mohit Jadhav, AGP, for Respondent Nos.3 to 5-State in WPL/29339/2024.

Mr. Anil Singh, Senior Advocate a/w. Ms. Vaishali Ugale for the Respondent-BMC in WPL/7275/2025 and WP/3690/2025.

Ms. Vaishali Ugale, for the Respondent-BMC in WPL/4022/2025 and WPL/4024/2025.

Ms. Vaishali Ugale for the Respondent-BMC in WP/3700/2025 and WPL/25070/2024.

Mr. Chaitanya Chavan a/w. Ms. Vaishali Ugale for the Respondent-BMC in WPL/29339/2024 and WP/727/2025.

Mr. Sharad Ayare, Deputy Superintendent of License Officer of BMC, present.

Mr. Anil Shewale, Assistant Superintendent of License Officer of BMC, present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

RESERVED ON : 11TH FEBRUARY 2026.

PRONOUNCED ON : 23RD MARCH 2026.

JUDGMENT:

1. The above mentioned Writ Petitions before us, inter alia seek the following reliefs:

2. WRIT PETITION (L.) NO. 29339 OF 2024

(a) That this Hon'ble Court be pleased to issue an appropriate writ of certiorari or any other writ order or direction to quash and set-aside the elections conducted on 29.08.2024 for electing the representatives of the Street Vendors on the Town Vending Committee (TVC) under Section

22(2)(d) of the Act.

(b) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or directions to direct the Respondent No. 2 to include in the electoral list all street vendors surveyed and identified in July 2014 in terms of the judgment of this Hon'ble Court in *Azad Hawkers Union (supra)*, and also including those who have been issued letter of recommendations under PM SV Anidhi scheme and as mandated under letter dated 21st April 2022;

(c) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 2 to conduct a fresh election with the all surveyed street vendors and persons who were issued letter of recommendations or surveyed by the MCGM while implementing the PM SV Anidhi scheme forming part of the electorate for the elections as per letter dated 21st April 2022;

(d) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 4 to not act in furtherance of the electoral list furnished submitted by MCGM;

3. WRIT PETITION NO. 3690 OF 2025

(a) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 2 to include in the electoral list all street vendors surveyed, and

those who have been issued letter of recommendations under PM SV Anidhi scheme and as mandated under letter dated 21st April 2022;

(b) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 2 to conduct the elections with the all surveyed street vendors and persons who were issued letter of recommendations or surveyed by the MCGM while implementing the PM SV Anidhi scheme forming part of the electorate for the elections as per letter dated 21st April 2022;

(c) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 4 to not act in furtherance of the electoral list furnished submitted by MCGM;

4. WRIT PETITION NO.3700 OF 2025

(a) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other Order, Writ or Direction in the nature of Mandamus directing the direct the MCGM that while conducting elections of Street Vendors to the TVC to follow the instructions of the state as its letter dated 21st April 2022 to particularly to include all street vendors who have been issued LoR by the MCGM for availing PM-SVAnidhi loans and all those Street Vendors surveyed during 2014 Survey.

(b) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other Order, Writ or Direction in the nature

of Mandamus directing the TVC – MCGM to issue Vending Certificates to all Street Vendors whose names are reflected in the voter list prepared by the MCGM and those whose names should be included in the voting list for TVC elections.

(c) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other Order, Writ or Direction in the nature of Mandamus directing the Labour Commissioner not to proceed with the voter list of Street Vendors issue.

5. WRIT PETITION (L.) NO.7275 OF 2025

(a) That this Hon'ble Court by appropriate Writ Order be pleased to direct Respondent No. 2 to declare part result of TVC, Mumbai election held on 29th August 2024 and after declaration of election direct Respondent No.2 to 4 to formulate the committee of respondent no. 1 at list upto 22,000/- street Vendors.

(b) That after formulating of TVC this Hon'ble Court by appropriate order be pleased to direct the respondent no.1 to 4 issue certificate, License and place for their business to Registered and existing street vendors as per survey list 2014.

6. WRIT PETITION (L) NO.25070 OF 2024

(a) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 2 to include in the electoral list all street vendors / Hawkers surveyed, and those who have been issued letter of recommendations under PM SVAnidhi scheme and as

mandated under letter dated 21st April 2022;

(b) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 2 to include in the electoral list the names of the street vendors/hawkers, who are members of the Petitioner Federation and whose application for loan have been sanctioned under the PM SVANidhi scheme being Debt Holders whose loan have been sanctioned from the PM SVANidhi Scheme.

(c) That this Hon'ble Court be pleased to issue a writ of Mandamus or writ in the nature of a Mandamus or any other writ, order or direction to direct the Respondent No. 4 to not act in furtherance of the electoral list furnished submitted by MCGM;

7. WRIT PETITION NO.727 OF 2025

(a) This Hon'ble Court be pleased to issue a Writ of mandamus or any other writ, order, or direction in the form of Mandamus directing Respondent Nos. 1, 2, and 3 to take such steps as may be necessary for the effective implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending Act) 2014 Act, and to report compliance of the same within a period of six months, including but not limited of:

- i. Set up/constitute a functional TVC and direct the TVC to do all such acts as are required to be done under the said Act, interalia of publishing the Charter under Section 26 of the Act, issuing certificates of vending to all eligible

hawkers/vendors;

- ii. Frame a scheme in due consultation with the Local Authority and the TVC, in terms of Section 38 of the Act;
- iii. Prepare a Plan to promote the vocation of street vendors, in terms of Section 21 of the Act;

(b) This Hon'ble Court be pleased to issue a Writ of Certiorari or any other writ, order, or direction in the nature of a Writ of Certiorari, calling for the records pertaining to the Eligibility list and after perusing the same, be pleased to quash and set aside the same and to thereafter direct Respondent Nos. 2 and 3, to after following the due process of law, prepare a fresh list of eligibility;

(c) In the alternative to prayer clause (b), this Hon'ble Court be pleased to add the names of the hawkers and vendors being represented by the Petitioner, whose names have not been included in the eligibility list, a list whereof is annexed as Exhibit "M";

(d) This Hon'ble Court be pleased to restrain the Respondents or any persons acting on behalf of the Respondents from taking any coercive action, interalia conducting eviction raids, confiscating goods, imposing fines, against the hawkers /vendors being represented by the Petitioner;

8. WRIT PETITION NO.4024 OF 2025

(a) That this Hon'ble Court may kindly be pleased to issue a writ of mandamus or a writ in the nature of the mandamus or any other writ, order or direction thereby directing the

respondent nos. 01 and 02 to start the process thereby calling the Petitioners and to include them in the electrical list of all street vendors/ hawkers thereby conducting the survey as per the recommendations under PM AtmaNirbhar Scheme (PM SWANidhi) at Annexure 'H' (Colly.) pursuant to the letter dtd. 21.04.2022 at Annexure 'L' (Colly.) under The street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016;

(b) That this Hon'ble Court may kindly be pleased to issue a writ of mandamus or a writ in the nature of the mandamus or any other writ, order or direction thereby directing the respondent nos. 01 and 02 to issue them certificates under PM AtmaNirbhar Scheme (PM SWANidhi) at Annexure 'H' (Colly.) pursuant to the letter dtd. 21.04.2022 at Annexure 'L' (Colly.) under The street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 and allow them to conduct the business in the area which they are having their street vending;

(c) That this Hon'ble Court may kindly be pleased to restrain the respondent nos. 01 and 02 that the Petitioners who are conducting the business on the streets under PM AtmaNirbhar Scheme (PM SWANidhi) at Annexure 'H' (Colly.) pursuant to the letter dtd. 21.04.2022 at Annexure 'L' (Colly.) under The street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 with the help of the respondent nos. 04

and 05;

(d) That this Hon'ble Court may kindly be pleased to stay the effect and operation of illegal raids conducted by the respondent nos. 01 and 02 on the street vendors i/e. the Petitioners with the help of the respondent nos. 04 and 05 still the disposal of this petition under The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016;

9. WRIT PETITION NO.4022 OF 2025

(a) That this Hon'ble Court may kindly be pleased to issue a writ of mandamus or a writ in the nature of the mandamus or any other writ, order or direction thereby directing the respondent nos. 01 and 02 to start the process thereby calling the Petitioners and to include them in the electrical list of all street vendors hawkers thereby conducting the survey as per the recommendations under PM AtmaNirbhar Scheme (PM SWANidhi) at Annexure 'L' (Colly.) pursuant to the letter dtd. 21.04.2022 at Annexure 'P' (Colly.) under The street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016;

(b) That this Hon'ble Court may kindly be pleased to issue a writ of mandamus or a writ in the nature of the mandamus or any other writ, order or direction thereby directing the respondent nos. 01 and 02 to issue them certificates under PM AtmaNirbhar Scheme (PM SWANidhi) at Annexure 'L' (Colly.) pursuant to the letter dtd. 21.04.2022 at Annexure

‘P’ (Colly.) under The street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 and allow them to conduct the business in the area which they are having their street vending;

(c) That this Hon’ble Court may kindly be pleased to restrain the respondent nos. 01 and 02 that the Petitioners who are conducting the business on the streets under PM AtmaNirbhar Scheme (PM SWANidhi) at Annexure ‘L’ (Colly.) pursuant to the letter dtd. 21.04.2022 at Annexure ‘P’ (Colly.) under The street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 with the help of the respondent nos.04 and 05;

(d) That this Hon’ble Court may kindly be pleased to stay the effect and operation of illegal raids conducted by the respondent nos. 01 and 02 on the street vendors i.e. the Petitioners with the help of the respondent nos. 04 and 05 still the disposal of this petition under The street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 r/w. The street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016;

10. As seen above, once again, through a series of Petitions, the Petitioners have assailed the Registered Voters’ List and the Elections conducted on 29th August 2024 for electing representatives of street

vendors to the Town Vending Committee (“TVC”) under Section 22(2)(d) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (“the Street Vendors Act”). They also seek a Writ of Mandamus directing Respondent No.2 to include in the electoral roll of all street vendors who were surveyed and identified in July 2014 pursuant to the judgment of this Court in *Azad Hawkers Union v/s. Union of India & Ors. dated 3rd November 2017 in Writ Petition No.652 of 2017 and other connected Petitions*.

Brief facts:

11. The Petitioners are various Unions of street vendors or groups of licensed street vendors.

12. Respondent No.1 is the TVC constituted by Respondent No.2, which is required to be established and formed in accordance with Section 22 of the Street Vendors Act. Respondent No.2 is the Brihanmumbai Municipal Corporation (“BMC”), the Authority vested with the power and duty, inter alia, of publishing the list of registered street vendors under Rule 15 of the Maharashtra Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 (“the 2016 Rules”).

13. The Petitioners challenge the Expression of Interest (“EOI”) issued for conducting elections pursuant to a public notice of the BMC, contending that the same was issued without following the procedure prescribed under Rule 15 of the 2016 Rules. According to the Petitioners,

the elections held on 29th August 2024 were conducted on the basis of a defective voter list, which is neither in conformity with the Street Vendors Act nor the 2016 Rules, nor with the directions issued by this Court in *Azad Hawkers Union vs. Union of India & Ors. in Writ Petition No. 652 of 2017 reported in 2017 SCC OnLine Bom 10261 along with PIL No.98 of 2016*, particularly the Order dated 1st November 2017. It is their case that the electoral roll comprised only 32,000 hawkers, whereas 99,435 hawkers had been accepted by the BMC following a survey conducted in July 2014, pursuant to which 1,28,443 applications were received.

14. The said list of 99,435 vendors was approved by this Court, as recorded in the Order dated 1st November 2017 and clarified by Order dated 3rd November 2017. It is therefore submitted that the electoral roll of existing street vendors could not have been reduced to 32,000.

15. Mr. Punit Jain learned Senior Counsel appearing for the Petitioners submits that, the Respondent No.2 has failed to comply with the mandate of Rules 14 and 15 of the 2016 Rules. He contends that the Rules require publication of a preliminary voter list inviting objections, followed by publication of a final list after disposal of such objections. He submits that, elections must necessarily be conducted based on the finalized list. In the present case, no preliminary list was published and no objections were invited. The elections were instead conducted on what he describes as a self-serving, defective and biased voter list, rendering the entire process

illegal and liable to be set aside.

15.1. He further submits that, the voter list ought to have included not only the 99,435 street vendors identified and accepted by the BMC in 2014 and noted in this Court's Order, but also 29,008 applications which were pending verification. He submits that, the 2014 list was prepared after a comprehensive door-to-door survey conducted across all 24 wards of the BMC, supported by document verification and biometric registration of applicants.

15.2. Additionally, it is contended that the list ought to have included street vendors to whom Letters of Recommendation ("LORs") were issued while implementing the PM SVANidhi Scheme pursuant to the survey directed under the letter dated 21st April 2022 issued by the National Urban Livelihoods Mission (NULM). According to the Petitioners, apart from the 99,435 vendors identified in 2014, as many as 1,98,241 street vendors were issued LORs under the PM SVANidhi Scheme and were therefore entitled to inclusion in the electoral roll.

15.3. It is further submitted that, the elections held on 29th August 2024 were conducted pursuant to a statement made by the BMC that elections for the street vendor constituency would be completed by the end of August, but without complying with Rule 15 of the 2016 Rules. It is alleged that, the BMC overlooked the mandatory statutory procedure and conducted elections based on a voter list comprising only erstwhile licensed

hawkers.

15.4. In support of these contentions, reliance is placed on the following decisions:

(i) *Bombay Hawkers Union vs. Bombay Municipal Corporation* reported in (1985) 3 SCC 528.

(ii) *Olga Tellis vs. Bombay Municipal Corporation* reported in (1985) 3 SCC 545.

(iii) *Maharashtra Ekta Hawkers Union vs. Municipal Corporation of Greater Mumbai* reported in (2004) 1 SCC 625.

(iv) *Maharashtra Ekta Hawkers Union vs. Municipal Corporation of Greater Mumbai* reported in (2009) 17 SCC 151.

(v) *Maharashtra Ekta Hawkers Union vs. Municipal Corporation of Greater Mumbai* reported in 2013 (6) Bom.C.R.481.

(vi) *Shri Vile Parle Kelvani Mandal vs. MCGM* in Writ Petition No.224 of 2011 with Public Interest Litigation No.36 of 2010 decided on 23rd October 2015.

15.5. In view of the above, Mr. Jain ultimately confines his submissions to the contention that the BMC ought to have conducted the elections based on the list of 99,435 vendors and not 32,000. He further submitted that the election process was vitiated for non-compliance with Rules 14 and 15 of the 2016 Rules. It is also contended that, the stipulated period of three months was not adhered to, as the relevant letter was issued

on 15th June 2024 and the elections were conducted on 29th August 2024.

16. Ms. Gayatri Singh Sr. Advocate, Mr. Mihir Desai Sr. Advocate and Mr. Ankit Lohia supported the submissions advanced by Mr. Jain and reiterated that, the elections conducted on the basis of a truncated voter list of 32,000 are liable to be set aside and that fresh elections ought to be conducted on the basis of the accepted list of 99,435 street vendors.

17. Mr. Anil Singh, learned Assistant Solicitor General, appearing for the BMC set out chronologically the case of the BMC as follows:

National Policy Framework (2009)

17.1. In 2009, the **National Policy on Urban Street Vendors, 2009** (“2009 National Hawkers Policy”) was issued. The Policy recognized the vital role played by street vendors in the urban economy and provided a mechanism for their registration, enabling them to carry on hawking activities in a regulated manner. The relevant Rule of the 2009 National Hawkers Policy is reproduced hereinbelow for ready reference:

“4.5.4 Registration System for Street Vending

A system of registration of vendors/hawkers and non-discretionary regulation of their access to public spaces in accordance with the standards of planning and the nature of trade/service should be adopted. This system is described in greater detail below.

a) Photo Census of Vendors:

The Municipal Authority, in consultation with the TVC should undertake a comprehensive, digitalized photo census / survey / GIS Mapping of the existing stationary vendors with the assistance of

professional organizations/experts for the purpose of granting them lease to vend from specific places within the holding capacity of the vending zones concerned.

b) Registration of Vendors:

The power to register vendors would be vested with the TVC. Only those who give an undertaking that they will personally run the vending stall/spot and have no other means of livelihood will be entitled for registration. A person will be entitled to receive a registration document for only one vending spot for him/her (and family). He/she will not have the right to either rent or lease out or sell that spot to another person.

c) New Entrants:

Those left out in the photo census or wishes to take up street vending for the first time will also have a right to apply for registration as vendors provided they give a statement on oath that they do not have any other means of livelihood and will be personally operating from the vending spot, with help from family members.

d) Identity Cards:

Upon registration, the concerned Municipal Authority would issue an Identity Card with Vendor Code Number, Vendor Name, Category of Vendor etc. in writing to the street vendor, through the TVC concerned containing the following information:

- (i) Vendor Code No.
- (ii) Name, Address and photograph of the Vendor;
- (iii) Name of any one Nominee from the family and/or a family helper;

- (iv) Nature of Business;
- (v) Category (Stationary/Mobile); and
- (vi) If Stationary, the Vending Location.

Children below 14 years would not be included in the Identity Card for conduct of business.

e) Registration Fee:

All vendors in each city/town should be registered at a nominal fee to be decided by the Municipal Authority concerned based on the photo census or any other reliable means of identification such as the use of biometric techniques.

f) Registration Process:

- i) The registration process must be simple and expeditious. All declarations, oath, etc. may be on the basis of self-declaration.
- ii) There should preferably be no numerical restriction or quotas for registration, or prior residential status requirements of any kind.
- iii) Registration should be renewed after every three years. However, a vendor who has rented out or sold his spot to another person will not be entitled to seek re-registration.
- iv) There may be an “on the spot” temporary registration process on renewable basis, in order to allow the street vendors to immediately start their earnings as the registration process and issue of I-card etc. may take time.”

Judicial Mandate – Maharashtra Ekta Hawkers Union (2013)

17.2. In *Maharashtra Ekta Hawkers Union v. MCGM*, (supra) the Hon’ble Supreme Court observed that, until a statutory enactment

governing street vendor was brought into force, the 2009 National Hawkers Policy was required to be implemented. The Court specifically directed that the registration process contemplated under the Policy be carried out. (Paras 15 and 16)

Constitution of Provisional TVC (25.03.2014)

17.3. Pursuant to the directions of the Supreme Court, a provisional Town Vending Committee (“TVC”) comprising 30 members from various sections of society was constituted on 25.03.2014. (Ref: Additional Affidavit, Page 437, Para 35 @ Pages 439–441)

Enactment of the Street Vendors Act (01.05.2014)

17.4. The Street Vendors Act came into force on 01.05.2014.

Survey Conducted in July–August 2014

17.5. On 07.07.2014, the provisional TVC finalised a date-wise procedure for conducting the survey.

17.6. On 16.07.2014, a detailed SOP was circulated to all ward officers.

17.7. Between 18.07.2014 and 13.08.2014, MCGM conducted a ward-wise survey through designated teams, collecting and retaining supporting documents in each ward.

17.8. During this exercise:

- (i) 1,28,443 applications were distributed.
- (ii) 99,435 applications were received. (Ref: Affidavit dated

21.09.2015 in PIL (L) No.105 of 2015)

Judicial Protection

17.9. In *Vile Parle Kelvani Mandal v. MCGM*, (supra) this Hon'ble Court directed inter alia:

- (i) Vendors existing as on 01.05.2014 are entitled to protection under Section 3(3) of the Street Vendors Act.
- (ii) No such vendor shall be evicted or relocated until a survey under Section 3(1) is conducted and Certificates of Vending issued under Section 4(1).
- (iii) Vendors commencing business after 01.05.2014 are liable to eviction.
- (iv) The State Government was directed to indicate timelines for framing the Scheme (Section 38), Rules (Section 36), and constitution of TVC.

Rules and Government Resolutions (2016–2017)

17.10. On 03.08.2016, Rules under Section 36 were promulgated, prescribing the procedure for elections to the TVC.

On 09.01.2017:

- (i) A Government Resolution was issued constituting the TVC (without elected vendor representatives) to enable a survey under Section 3(1).
- (ii) A Scheme under Section 38 was issued, laying down

parameters for registration and eligibility.

Azad Hawkers Union Judgment (01.11.2017)

17.11. In *Azad Hawkers Union v. Union of India (supra)* decided along with *PIL No.98 of 2016*, this Court inter alia held that,

- (i) The 2014 survey conducted under the 2009 Policy would be treated as the first survey under Section 3(1) of the Street Vendors Act
- (ii) Elections under Section 22(2)(d) were to be conducted based on that survey.
- (iii) Out of 1,28,443 applications distributed, 99,435 were found acceptable, and 29,008 were expected to be eligible.
- (iv) Only vendors found eligible in the survey would form the electorate.
- (v) Rule 15 was upheld, permitting objections to inclusion/exclusion in the voters' list.
- (vi) The Scheme and GR dated 09.01.2017 were set aside.
- (vii) Hawkers' rights must be balanced against pedestrian rights.
- (viii) A clarificatory Order dated 03.11.2017 reiterated the above figures.

Scrutiny and Preparation of Voters' List (2018–2023)

- 17.12. 24.11.2017: Decision to scrutinize 99,435 applications.
- (i) 05.05.2018: Proposal laid down eligibility parameters, including proof of vending prior to 01.05.2014.
 - (ii) 30.05.2018: Circular issued to all wards prescribing scrutiny criteria.
 - (iii) 2019: First list displayed.
 - (iv) 2021: List of 15,361 eligible voters published online.
 - (v) Rule 15 mandates publication of the voters' list at least three months before elections, with objections to be filed at least one month prior. Notably, no objections were raised at that stage.

Revised Eligibility (Post 06.11.2021)

17.13. Upon deletion of the domicile criterion (as directed by the State Government), 6,686 additional applicants were declared eligible.

Thus:

- (i) Total eligible voters: 22,047
- (ii) Licensed MCGM vendors inherently eligible: 10,360
- (iii) Aggregate electorate: 32,407 (Finally 32,415)

Election Process (2023–2024)

- 17.14. 07.06.2023: TVC approved voters' list.
- (i) 16.06.2023: Public notice issued inviting objections.

- (ii) 103 objections received; 8 accepted.
- (iii) 21.11.2023: Final additions approved.
- (iv) 24.11.2023: Final list submitted to Labour Commissioner.
- (v) 04.01.2024: 8 Assistant Labour Commissioners appointed as Election Officers.
- (vi) 29.07.2024: Election programme notified (05.08.2024–29.08.2024).

Judicial Proceedings During Election Process

17.15. 01.08.2024: In PIL No.1 of 2023, this Court declined to interfere with the ongoing election process and directed finalization of the Scheme under Section 38.

- (i) 08.08.2024: Stay refused in *Janwadi Hawkers Sabha v. TVC*.
- (ii) 28.08.2024: The Hon'ble Supreme Court permitted elections to proceed but directed that results shall not be declared without its leave.
- (iii) 29.08.2024: Elections conducted.

17.16. Mr. Anil Singh submitted that, the eligible voters' list comprising 32,415 vendors has been prepared strictly in accordance with

the governing statutory and judicial framework. He submitted that;

- (i) the list is founded upon the survey conducted in 2014, which has been treated as the first survey under Section 3(1) of the 2014 Act;
- (ii) the preparation of the voters list is in conformity with Rule 15 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016;
- (iii) the exercise has been undertaken in compliance with the directions issued in *Azad Hawkers Union* (supra) and keeping in mind the 2009 Policy;
- (iv) due publication of the provisional list was effected and objections were invited and considered in accordance with law; issuance of notice by the authority on 29th July 2024 could not be construed as breach of Rule 15 of the Street Vendors Act.
- (v) the electorate consists exclusively of those vendors who have been found eligible pursuant to a process recognised and validated by judicial orders; and
- (vi) upon constitution of the Town Vending Committee, it is the TVC which must be consulted by the State Government while framing the Scheme under Section 38 of the Act, including the parameters governing the issuance of Certificates of Vending.

17.17. In support of his contentions, he placed reliance upon the following judgments:

i) Chandrakant v State Election Commission, Through the Chief Election Commissioner and others reported in *2024 SCC OnLine Bom 3372*.

ii) Swami Krishnanand Govindanand v M D Oswal Hosiery (Regd) reported in *2002 3 SCC 39*.

iii) Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Anr. vs State of Maharashtra & Ors. reported in *2002 8 SCC 509*.

17.18. In view of the above, he submitted that the State be permitted to complete the process and form the TVC so as to implement the Street Vendors Act.

18. We have heard learned Counsels for all parties at great length and have given our thoughtful and anxious consideration to the issues raised.

Conclusions

19. The Petitioners raise the following two main objections:

(i) That the elections held on 29th August 2024 were conducted on the basis of an electoral list comprising

approximately 32,000 hawkers, whereas, pursuant to the July 2014 survey conducted by the Corporation, 1,28,443 applications were issued and 99,435 were accepted and protected by Orders of this Court in *Azad Hawkers Union* dated 1st November 2017 & 3rd November 2017.

(ii) That the procedure prescribed under Rule 15 of the 2016 Rules was not followed, in as much as a preliminary voters' list was required to be published, objections invited and decided, and thereafter a finalised voters' list published.

20. The principal question that arises for determination is whether the BMC was justified in scrutinizing the list of 99,435 hawkers found eligible, particularly when learned Senior Counsel had earlier stated before the Court that, as per their own survey, these hawkers were eligible.

21. Since 1985, the Supreme Court decision in *Olga Tellis v BMC* reported in 1985 3 SCC 545, Courts have repeatedly expressed concern regarding the persistent difficulties faced both by hawkers/street vendors and by citizens at large. Despite successive guidelines and directions issued by the Hon'ble Supreme Court as well as this Court, the situation continues to cause undue hardship to all the concerned.

22. Nearly nine years have elapsed since the judgment in *Azad Hawkers Union & Ors. v. Union of India*, (*supra*) where the Court

evocatively posed the question—what comes first, the chicken or the egg? Regrettably, the dilemma endures. There is still neither a duly constituted Town Vending Committee (TVC) nor a Scheme as contemplated by the Street Vendors Act. Both street vendors and elected representatives appear equally intent on securing positions in the TVC, yet the statutory framework remains incomplete.

23. In our view there is a larger issue, on the one hand, street vendors continue to face serious hardship owing to the absence of a fully implemented statutory policy; on the other hand, citizens are confronted with equally, if not more, pressing difficulties arising from the unchecked proliferation of hawking activities, which have in several areas resulted in obstruction of public streets and footpaths. So grave has been the situation that this Court, in the year 2022, while hearing the Petition in *Pankaj Kumar H Agarwal v State of Maharashtra* (Writ Petition No. 31751 of 2022) was constrained to initiate *Suo Motu* writ proceedings upon receiving complaints from various quarters.

24. The process appears to have become entangled in considerations of money, power, and politics rather than governance. More importantly, litigation at every stage has led to inordinate delay in implementation of the Act. Each procedural step has consumed substantial time, effort, and public resources. Although over eight years have been

spent in constituting the TVCs, neither the TVC is formed nor the Scheme mandated under the Act is framed. The continued delay in implementing the Act has resulted in persistent hardship to citizens as well as vendors. The conundrum must therefore be resolved without further delay.

25. We are aware that the path we adopt is not free from difficulty and carries certain sensitivities. However, having regard to the prevailing circumstances and the pressing need to operationalize the statutory framework, no further delay in completion of the process can be countenanced.

26. Insofar as the first objection pertaining to the voters' list is concerned, the contention that eligibility to hawk ipso facto confers a right to vote is misconceived. The protection extended to 99,435 hawkers did not obviate the requirement of scrutiny of their individual applications, nor did it dispense with the obligation to submit requisite documentation for inclusion in the voters' list. The BMC was duty-bound to implement the 2009 National Hawkers Policy. In paragraph No.35, in the case of *Azad Hawkers Union* (supra), while referring to the judgment in *Maharashtra Ekta Hawkers Union* (2013), the Court observed that until appropriate legislation was enacted and brought into force, it would be apposite for the Court to direct that the 2009 Policy be implemented throughout the country, and that the directions contained therein would remain operative.

27. Mr. Anil Singh submitted and rightly so, that there can be no two views regarding the State's obligation to adhere to the 2009 Policy while scrutinizing applications. He invited our attention as an illustration to one of such application which had been rejected for want of requisite documents and particulars. Upon perusal of the said application, we find that the rejection was absolutely right and justified. The State/BMC cannot be faulted for declining incomplete or deficient applications. The scanned copy of the form has been placed on record for ready reference. Further, the publication of the voters' list on 16th June 2023 afforded the Petitioners adequate time and opportunity to raise objections and ventilate their grievances, including by approaching this Court, as they have now done.

28. In view of the aforesaid, we are unable to accept the Petitioners' submission that this Court had "approved" the voters' list of 99,435 hawkers. A plain reading of the earlier judgment makes it clear that these persons were found eligible to hawk; it does not follow that they thereby acquired an automatic or vested right to be enrolled as voters for the purpose of casting votes in the elections to the TVC.

29. Regarding the second objection about compliance of Rule 15. The same is extracted herein below for ready reference:

"Rule 15: Voter's list.— (1) The Municipal Commissioner or the Chief Officer, as the case may be, shall publish the voters list of

registered street vendors three months before the scheduled date of election. The suggestions or objections shall be called within fifteen days and shall be decided by the Municipal Commissioner or the Chief Officer as the case may be, one month before the scheduled date of election. For purpose of election of street vendors to the Town Vending Committee, the list of registered street vendors so finalised shall be the voters list.

(2) The Municipal Commissioner or the Chief Officer, as the case may be, shall provide the final voters list of registered street vendors to the Labour Commissioner for the purpose of electing representatives amongst the registered street vendors.

30. The record indicates that after this Court's judgement on 1st November 2017 in *Azad Hawker*, in the meeting held on 24th November 2017, it was noted that the 2014 survey would be scrutinized as required under the 2009 Policy. Upon scrutiny, the first list of eligible voters was displayed on the website in 2019 and updated in 2021. No contemporaneous objections regarding non-inclusion of remaining voters were raised. Following deletion of the domicile criterion by the State in November 2021, the list was updated by inclusion of 6,686 applicants, bringing the total to 22,047, in addition to 10,360 licensed voters. A public notice dated 16th June 2023 invited objections between 15th June and 14th July 2023. Of the 103 objections received, only 8 were found eligible for inclusion.

31. On 21st November 2023, after final additions were approved, a final list was submitted to the Labour Commissioner on 24th November 2023. It was on 29th July 2024 that the Election programme was notified to be held between 5th August 2024 to 29th August 2024. It is only at this stage on 1st August 2024 the Petitioners filed PIL No. 1 of 2023 seeking relief to stay the ongoing election process. Upon this Court's refusal to stay the process, the Petitioners challenged the Order before the Hon'ble Supreme Court who permitted elections to proceed but directed withholding of results without its leave.

32. Evidently, there was considerable time available before the scheduled date of election process between 5th August 2024 and 29th August 2024 and the publication of voters list in and around 16th June 2023. The intent of Rule 15 that is succinctly set out in paragraph 69 of the *Azad Hawkers* (supra) is reproduced as under:

“It could thus be seen that, under the said Rules, Municipal Commissioner or Chief Officer is required to publish voter's list of registered voters three months before the scheduled date of election. The suggestions and objections are required to be called within 15 days and they are further required to be decided by the Municipal Commissioner/Chief Officer, one month before the scheduled date of elections. It could therefore be seen that, if any of the street vendors, who finds that though this name was entitled to be included in the registered voters' list and it was not included, he could raise an objection to that effect, which the authorities under the rules would be bound to consider.”

33. Having regard to the purport and object of the Rule, it would be wholly imprudent to hold that merely because the elections were scheduled beyond a period of three months from the publication of voters list, the publication itself would stand rendered redundant or nugatory. This delay, in fact, operated to the advantage of the Petitioners and has caused no prejudice whatsoever to their interest. The record clearly reflects that despite a lapse of nearly one year, the Petitioners failed to take any effective or diligent steps during the said period.

34. In our considered view, even assuming that certain infirmities subsist in the present voters' list, the Petitioners are not rendered remediless. In paragraph 65 of *Azad Hawkers*, the Court has expressly observed that a fresh survey may be undertaken even prior to the expiry of five years. The said paragraph is reproduced hereinbelow for ready reference:

“65. The procedure that we propose to direct with regard to conducting the first survey under sub-section (2) of section 3 of the said Act and first elections to TVCs, in our view, takes care of giving effect to the legislative intention of having participation of representatives of vendors at every stage. If the survey is conducted by the TVCs constituted under 2009 policy and elections are held to elect the members under Clause (d) of subsection (2) of section 22 from the registered voters, the duly constituted TVCs under the said Act can discharge their duties which we have already enumerated hereinabove. **Needless to state that if the duly constituted TVCs having elected representatives from the street vendors category, find that fresh survey is required to be conducted, there is no embargo under the statute.** The only requirement

under sub-section (1) of section 3 is that the subsequent survey is required to be carried out at least once in every five years. However, **there is no prohibition for conducting a fresh survey, prior to such period of five years if duly constituted TVCs find it necessary.**”

35. Viewed from a broader perspective, it is imperative that the statutory scheme be brought to its logical conclusion. Nearly twelve years have elapsed since the enactment of the Street Vendors Act and more than eight years since the judgment of this Court in 2017 in *Azad Hawkers Union (supra)*.

35.1. After perusing record, we find that the election held on 29th August, 2024 were and are as per the mandate of law and requires no interference by this Court. Balancing the competing equities and in the interest of justice, we find it appropriate to uphold the elections and allow the statutory framework to be operationalized in its true spirit. Any temporary prejudice that may be apprehended can adequately be addressed by directing that, upon constitution of the TVC, a fresh survey be undertaken to consider inclusion of eligible hawkers, including those who commenced vending after 1st May 2014.

35.2. To set aside the entire process of election at this juncture would only prolong the administrative vacuum for at least another three years, as submitted by the learned AGP, Smt. Kantharia.

36. It is indeed paradoxical that, while extending the benefit of the Street Vendors Act to the vendors by setting aside the Government Resolution dated 9th January 2017, which had enabled local Authorities to constitute the TVCs and deal with allied matters, the Court simultaneously permitted the vendors to elect their representatives to the TVC. That well-intentioned step, however, appears to have led to unintended consequences. The elections have repeatedly been challenged from time to time on diverse grounds, as is evident from the record. As a result, the TVCs have yet to be constituted and consequently, the Street Vendors Act has remained unimplemented for over twelve years. This state of affairs cannot be permitted to continue any further.

37. Learned Advocate appearing in Writ Petition No. 7275 of 2025 informed this Court that, the State is presently confronted with the serious issue of illegal immigrants from Bangladesh, many of whom are allegedly engaged in hawking activities. It is submitted that their presence not only poses a concern for local residents but is also a source of daily friction even with local vendors and hawkers. According to the learned Advocate, despite complaints addressed to the BMC and the concerned Police Authorities, no effective action has been taken. Such a grievance, if borne out, is indeed a matter of grave concern and warrants immediate attention not only by the concerned authorities but also by this Court, which is seized of this matter.

It would be thoroughly imprudent and insensitive for the Court to ignore the prevailing hazards and the consequences of inaction, allowing the issue to fester until it ultimately confronts the State with far graver consequences.

38. The prevailing situation, as brought to our notice, is deeply disconcerting. Citizens are increasingly confronted with serious and recurring impediments in their daily lives, inter alia, as under:

- i) Pedestrians are unable to use footpaths, which remain encroached upon, compelling them to walk on the carriageways and thereby exposing themselves to risk;
- ii) Women, children and senior citizens bear the brunt of such conditions and are placed in constant danger;
- iii) Senior citizens and persons with disabilities find it virtually impossible to step out of their homes with safety and dignity;
- iv) Overcrowded areas with high footfall create situations where instances of inappropriate physical contact, particularly affecting women, are reported, with little practical recourse in such circumstances;

- v) Residents experience difficulty in accessing buildings abutting public roads and, upon raising complaints, are allegedly subjected to threats and intimidation;
- vi) Emergency services, including fire brigades and ambulances, are unable to reach residential societies owing to the occupation of narrow lanes by vendors;
- vii) Shop owners, who have invested substantial resources in their establishments, find their entrances and display windows obstructed, rendering their premises virtually invisible to passers-by and adversely affecting their livelihood;
- viii) In certain areas, incidents of physical assault have been reported and in some cases, danger to the life has also been alleged. It has further been brought to our notice that during the pendency of the present Petition, Mr. Atul Vora, an elderly citizen who had raised grievances regarding hawkers and encroachments, was brutally assaulted and faced hospitalization for a considerable period;
- ix) Designated parking spaces are rendered inaccessible;
- x) Exits from railway platforms are severely congested, causing grave inconvenience and potential safety hazards;

- xi) Areas surrounding railway stations stand heavily encroached upon, impeding both pedestrian movement and vehicular passage;
- xii) Commuters are compelled to spend inordinate amounts of time reaching their homes due to choked and obstructed streets; and
- xiii) It has also been alleged that what begins as temporary hawking gradually transforms into the erection of unauthorised permanent structures, followed by claims for regularisation or compensation from the State under the guise of development or rehabilitation.

38.1. The cumulative effect of the above is a substantial erosion of the rights of citizens to free movement, safety and an orderly civic life. It is also pertinent to note that, during the pendency of the present Petition, even the limited directions issued by this Court to maintain twenty designated areas free from hawkers posed a considerable challenge to the State machinery. Officers of the BMC, while carrying out enforcement drives in compliance with our orders, were required to be provided with police protection, underscoring the gravity and sensitivity of the situation at the ground level.

39. In this backdrop, the prompt constitution of the Town Vending Committee admits of no further delay. The voters' list can always be revisited, scrutinized and updated once the TVC is duly constituted. It cannot be

said that the vendors are left unrepresented under the statutory scheme. The provisions of the Street Vendors Act and the Rules framed thereunder must receive a purposive construction; an unduly pedantic or hyper-technical approach would only defeat the object of the legislation.

40. In our considered view, any further delay in the implementation of the Act would prove detrimental not only to the Petitioners but equally to the citizens at large, who continue to endure persistent and daily hardship on account of the non-implementation of the statutory framework.

41. Permitting the 99,435 vendors to participate in the first constitution of the TVC, despite the rejection of their eligibility and documentation upon scrutiny, would create an anomalous and untenable situation for the State and give rise to avoidable complications. Such a course would not only dilute the mandate of the 2009 Policy, which this Court has consistently directed to be adhered to, but would also disrupt the ongoing electoral process and potentially set it back by several years.

42. The inevitable consequence of such delay would be that citizens continue to bear the brunt of the prevailing situation, where, as reported, 3,26,604 hawkers are operating across the city, leading to widespread congestion and civic disorder. Until the statutory process is duly completed and the regulatory framework effectively implemented, the

hardship to the public at large would only stand prolonged.

43. We also cannot lose sight of the substantial public expenditure already incurred in conducting the present electoral exercise. The BMC has been divided into eight zones for the purpose of these elections and the administrative machinery has been fully mobilised. To stall the process at this advanced stage would only increase the financial burden on the public exchequer and further delay the long-awaited implementation of the statutory scheme.

44. We find that no procedural illegality or violation of principles of natural justice has been demonstrated. The elections held on 29th August, 2024 were and are conducted in accordance with 2009 guidelines and the Rules framed under the Act and, in our view, do not warrant any interference by this Court.

45. The contention that 99,435 hawkers, who were only prima facie found eligible - without the verification as contemplated under the 2009 guidelines, ought to be treated as voters and thereby determine the composition of the TVC cannot be accepted. The TVC itself may consist of probably 30 members or more, of whom 40% are to be representatives of hawkers and vendors, which would translate to no more than a few dozen or so members. In such circumstances, the question of which particular individuals form part of the electorate or secure representation cannot be

permitted to derail the entire election process and consequently, the implementation of the Act.

46. No further time, effort, or public resources ought to be expended on this exercise, as doing so would only delay and ultimately defeat the very purpose for which the Act was enacted. We cannot lose sight of the fact that the primary objective is to protect and regulate the rights of hawkers and vendors as a class, and not to determine which among them will constitute the first TVC.

47. It must also be borne in mind that this is neither the first nor the final exercise. Once constituted, the TVC itself will be required to undertake the statutory functions entrusted to it under the Act, beginning with the survey and other consequential steps contemplated therein.

48. In our view, the concern raised by the Petitioners, though it may presently stand deferred, cannot be said to be denied.

49. We note the submission of Smt. Kantharia that although the process has taken approximately three years to reach fruition, a total of 280 Town Vending Committees have now been notified across the State. She further points out that Nagpur has emerged as a pioneer in the effective implementation of the statutory scheme.

50. In view of the above, we pass the following Order :-

- (i) The voters' list for the elections held on 29th August, 2024 has been prepared following the statutory procedure under the 2009 policy and judicial directions stand validated;
- (ii) The elections have been conducted in accordance with the provisions of the law and the Rules framed thereunder, and therefore do not warrant any interference by this Court.
- (iii) The elections conducted on 29.08.2024 pursuant to Section 22(2)(d) of the Street Vendors Act are held to be valid. The TVC shall take all necessary steps to implement the Street Vendors Act, in its true letter and spirit.
- (iv) Accordingly, no interference is warranted either with the eligible voters' list or with the elections conducted pursuant thereto.
- (v) The results of elections conducted on 29/8/2024 be declared immediately.
- (vi) The BMC is directed to permit 99,435 persons who are found eligible to hawk strictly in accordance with the guidelines laid down in various judgements. The balance 29,008 also to be verified preferably within a period of four months from the date of this Order and also be permitted to hawk on specified pitches or areas only.
- (vii) No other hawkers, other than 99,435 already found eligible and those who may be found eligible from the remaining 29,008 shall be permitted to carry on hawking activities only if

they strictly adhere to the guidelines framed. All others shall be removed forthwith.

- (viii) The BMC shall undertake a comprehensive inspection and scrutiny of all temporary stalls (mobile or on vehicle(s) or stationery) as well as permanent stalls, in whatever form or guise they may exist, situated on the roads or footpath, whether they do or they do not obstruct pedestrians or vehicular movement, within the City.
- (ix) The BMC and the Police shall immediately undertake a thorough verification of the identity of all persons, including those alleged to be Bangladeshis or other non-Indian nationals, who operate stalls or carry on vending or hawking activities, or work as assistants or helpers to such stall holders, vendors or hawkers.
- (x) In the event any person is found to be an illegal immigrant, appropriate action shall be taken in accordance with law, including steps for repatriation by the competent Authorities.
- (xi) It is clarified that any failure to undertake the necessary action in this regard shall entail personal liability on the part of all the concerned Officers.

51. The above mentioned Petitions are disposed off in the aforesaid terms.

52. In view of the disposal of Writ Petition No.727 of 2025, Interim Application (L) No.8953 of 2025 and Interim Application No.9689 of 2025 do not survive and are accordingly also disposed off.

53. Before we part, we deem it appropriate to record our deep appreciation for the invaluable assistance rendered by the learned *amicus curiae*, Mr. Jamshed Mistry. The matter involved complex questions of statutory interpretation and competing public interests. Mr. Mistry has assisted the Court with remarkable clarity, fairness and erudition. His submissions were balanced, research-oriented and of considerable assistance in enabling the Court to arrive at a just and workable conclusion. We place on record our appreciation for the time and effort devoted by him in the discharge of his responsibilities as *amicus curiae*.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

54. At this stage, Mr. Gidh, learned Advocate for Petitioner(s) in WP No. 3700 of 2025, WP(L) No. 25070 of 2024 and WP No. 3690 of 2025, submitted that, ad-interim relief which was granted earlier may be continued for a period of two weeks from today, so as to enable the said Petitioner(s) to test the correctness of the present Judgment before the Hon'ble Supreme Court.

55. As we have recorded in the foregoing paragraphs of the Judgment that, it is on account of to the continuous legal proceedings adopted by the various Petitioner(s), the implementation of the Street

Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, has not been effectuated till date. It is a matter of record that, even after lapse of over eight years, after passing of the Judgment in *Azad Hawkers (supra)*, the guidelines and/or directions issued by the Courts in various Judgments remain un-complied with.

55.1. In view thereof, we are not inclined to stay the operation or implementation of the present Judgment.

56. The prayer made by the learned Advocate Mr. Gidh is accordingly rejected.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)