IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.18982 of 2026

Date of Decision: 26.10.2026

Kishan Chand .…….Petitioner

Versus

State of Himachal Pradesh & Ors. … Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioner: Mr. Amrit Sharma, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

Mr. Deepak Sharma, Advocate for respondent No.7.

Sandeep Sharma, Judge(oral):

By way of instant petition, petitioner has prayed for the following main reliefs:-

> ***"i). Issue a writ of mandamus, or any other appropriate writ, order or direction directing Respondent No. 7-Municipal Council, Rampur Bushahr, to consider and decide the Petitioner's representation dated 15.09.2026 (Annexure P-1) within a time-bound period fixed by this Hon'ble Court, and to earmark, declare and notify the stretch from Chaudhari Adda to Old Bus Stand, Rampur Bushahr, as a vending zone/natural market as part of the plan for street vending under Section 21 read with the First Schedule of the Act; or/and;***

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

ii) ***Issue a writ of mandamus, or any other appropriate writ in the nature of quia timet relief, restraining the Respondents, including Respondent Nos. 1 to 4 acting under any law relating to roads or highways, and any person acting their behalf, from evicting, dispossessing, removing or otherwise harassing the Petitioner from her existing place of vending without following the due procedure of law and without regard to the overriding effect given to the Act by Sections 27 and 33 thereof, until the representation dated 15.09.2026 is decided and the vending zone is declared/notified in accordance with law; or/and'***

iii) ***In the alternative, and without prejudice to prayers (i) to (ii) above, pass an order, on the same terms as passed by this Hon'ble Court in Vinod Kumar Vs. State of Himachal Pradesh & Others, CWP No. 15498 of 2026, decided on 07.09.2026 (Annexure P-2), directing Respondent No. 7 to consider and decide the Petitioner's representation dated 15.09.2026, after consulting/involving all stakeholders including Respondent Nos. 1 to 4, within a time-bound period, directing that till disposal of such representation, no coercive action be taken against the Petitioner."***

2. As per the case set up by the petitioner, he is carrying on small vending activities near Ward No.5, Municipal Council, Rampur Bushahr.

3. According to the petitioner, eviction notices have been issued to some vendor, when matter was brought to the notice of Municipal Council, Rampur Bushahar, seeking protection of petitioner's livelihood vis-a-vis implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the Himachal Pradesh Street Vendors Rules, 2016, and the Himachal Pradesh Street Vendors Scheme, 2016.According to the petitioner,

process is underway at the end of Municipal Council, Rampur Bushahr for providing the street vendors, including the petitioner, an alternate place for his rehabilitation.

4. At this stage, learned counsel for the petitioner invited attention to the representation of the petitioner dated 15.09.2026 (Annexure P-1) and submitted that this representation has not yet been responded to by the respondents.

5. Learned counsel for the petitioner submitted that petitioner would be satisfied in case the petitioner is permitted to make afresh comprehensive representation to respondent No. 7-Municipal Council, Rampur Bushahr, and the said respondent is directed to consider and decide said representation to be preferred by the petitioner within a time-bound period, in consultation with all the other stakeholders, including the State Public Works Department, National Highways Sub Division, HPPWD, Rampur Bushahr.

6. In view of above submissions, but without examining the merits of the matter, this writ petition is disposed of by permitting the petitioner to make representation to respondent No. 7 within a period of one week from today. In case such a representation is so made, respondent No.7 shall consider and decide the same after consulting/involving all other stake holders including the State Public Works Department, National Highways Sub-Division, HPPWD,

Rampur Bushahr, District Shimla within a period of three weeks thereafter. The decision so taken be communicated to the petitioner. Till the disposal of representation, if any, filed, no coercive action shall be taken against the petitioner in terms of eviction notices.

Pending miscellaneous application(s), if any, also to stand disposed of.

(Sandeep Sharma),
Judge

October 26,2026
(sunil)