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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-10317-2024 (O&M)

Date of Decision: 13.01.2026

Rajesh Kumar

.....Petitioner

Versus

The Commissioner, Municipal Corporation Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI

Present: Mr. Baldev Singh Sodhi, Advocate for the petitioner.

Mr. Sanjiv Ghai, Advocate with
Mr. Manpreet Singh, Advocate for respondents-M.C.

ASHWANI KUMAR MISHRA, J.(Oral)

1. The petitioner is a street vendor. He has approached this Court with the prayer to issue a writ of mandamus commanding the respondents to implement the order passed by the Grievance Redressal and Disputes Resolution Committee (for short 'GRDRC') dated 17.08.2022, contained in Annexure P-1 to the petition. Further prayer made is to restrain the respondents from dispossessing the petitioner from the site where he is working in Sector 37-C, Chandigarh. The order dated 17.08.2022 contained in Annexure P-1 to the writ petition records that the petitioner was working in Sector 37-C for more than the last 20 years. The order further records that in the survey conducted by the Municipal Corporation, his name finds place at serial No.11736 and such fact has been intimated to the petitioner vide letter dated 03.01.2020. The first paragraph of the order of GRDRC reads as



under:-

“This order was dispose of an application was moved by the applicant Sh. Rajesh Kumar. He has submitted that has been running a rehri for selling fruit juice near Public Toilet in the Market of Sector 37-C, Chandigarh for the last more than 20 years. His name also figured in the survey which has been conducted by the Municipal Corporation. The Municipal Corporation also informed him vide letter No 547 dated 3-1-2020 that he has been surveyed vide COV No 11736. He has prayed that the Enforcement staff has been harassing him by issuing challans against him on one or the other pretext despite the fact that he is having valid COV No 11736.”

2. In light of the above observations, the GRDRC has issued following directions:-

“Therefore, the application moved by the applicant is allowed. The applicant is permitted to work as a Street Vendor (Juice Seller) near the Park, Sector-37-C, Chandigarh subject to condition that he has to maintain the proper hygiene around his vending site and his working as a Street Vendor does not cause any inconvenience to the General Public. He would not cause any encroachment on public passage/road.

The Social Development Officer/ Superintendent Street Vending Cell would take appropriate action for issuing the Certificate/License/ Identification Card not Street vending to the applicant, so that he may not force inconvenience at later stage.

The applicant would also pay the necessary charges/fee as prescribed in the Street Vending Act, 2014 and Rule framed there under.”

3. Pursuant to the order dated 17.08.2022, the petitioner has moved an application before the Municipal Corporation, Chandigarh for issuance of license as street vendor. This application has been rejected by the Municipal Corporation, Chandigarh vide order contained in Annexure P-3 which is reproduced hereinafter:-

“Reference your application dated 28/04/2023 on the subject cited above it is intimated that your case regarding issuance of licence for street vending has been examined by this office. Your are neither surveyed nor registered with Municipal Corporation Chandigarh Secondly the letter bearing memo NO. ACMC/Vendors Cell/2019/547 dated 3/01/2020 was sent erroneously and stands withdrawn.”



contends that the order of the Grievance Redressal Forum has not been assailed and has consequently attained finality. He submitted that in such circumstances any contrary orders passed by the Town Vending Committee has to be ignored and the finality attached to the order of the GRDRC must be respected.

5. Reply has been filed in the petition by the Municipal Corporation, Chandigarh stating that survey ID No. 11736 does not pertain to the petitioner but it relates to one Tej Narayan Sherstha son of Budhiman Sherstha whereas the petitioner is Rajesh Kumar s/o Sh. Budhi. It is the case of the respondents that the order of the Grievance Redressal Forum is actually based on incorrect factual premise inasmuch as the actual survey ID No. 11736 does not pertain to the petitioner and relates to someone else. It is also the case of the respondents that neither the petitioner is surveyed nor is registered and therefore in terms of provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the consequential rules i.e Union Territory of Chandigarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2015, framed by the Central Government for Chandigarh Administration notified dated 27.07.2015 as well as by-laws notified on 20.12.2018, the petitioner has no right to be issued a licence of street vendor in Sector 37-C, Chandigarh. In the reply filed by the respondents, it is also their case that the site on which petitioner claims to be running his stall is not an approved vending site.

6. Replication has been filed in which the petitioner has emphasized the communication received from the Administration on 03.01.2020 to state that ID No. 11736 in fact belongs to the petitioner. It is

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once has attained finality, the Municipal Corporation cannot be allowed to interfere with the rights of the petitioner.

7. We have heard learned counsel for the parties and perused the relevant record.

8. Before proceeding further, we may take note of the statement made on behalf of the respondents that the matter relating to allotment of vending site to the petitioner was again considered by the Corporation in the Minutes of the Town Vending Committee dated 01.12.2025 (Annexure R-3), wherein again the claim of the petitioner for issuance of vending license has been rejected.

9. On this aspect, learned counsel for the petitioner states that this fact has not been communicated, till today to the petitioner. The Act of 2014, was promulgated in order to protect the rights of urban street vendors and to regulate street vending activities in accordance with law. For such purposes Rules of 2015 have been framed by the Central Government. Rule 21 defines functions of *Town Vending Committee* to include issuance of certificate of vending for approval of a street vendor. The Town Vending Committee is also authorized to conduct surveys within the area of its jurisdiction for identification of street vendors and ensure their accommodation in accordance with the norms, plan and the holding capacity within the area of its jurisdiction. In furtherance of such provisions survey was conducted by the Municipal Corporation in the year 2016. It transpires that more than 21622 persons were surveyed as working in Chandigarh as street vendors. Out of those numbers, 10937 persons got registered for issuance of vending license. It is also undisputed that the total vending sites available in Chandigarh are only 5460. It is therefore apparent that the

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who are registered for issuance of vending license and is 1/4th of those who were actually found working as street vendors in the survey conducted in the year 2016. The specific case of the respondents is that in the survey conducted in the year 2016, the petitioner was neither surveyed nor was registered.

10. Apart from referring to the communication dated 03.01.2020, the petitioner has not brought on record any other material to show that petitioner was surveyed in the survey conducted in the year 2016. The only contention of the petitioner is based upon the letter dated 03.01.2020 which also forms the basis for passing of the order by the Grievance Redressal Forum of which enforcement has been sought by the petitioner. We have perused the records and it transpires that survey ID No.11736 in fact has been issued to one Tej Narayan Sherstha son of Budhiman Sherstha. The survey report has also been annexed at Annexure R-1 which contains the details including the Aadhar number etc. of Tej Narayan Sherstha.

11. The exact basis of the petitioner's case is the communication issued by the Chandigarh Municipal Corporation on 03.01.2020. This letter of the Corporation has already been withdrawn by the subsequent order of the Municipal Corporation dated 03.05.2023. Though this order has been annexed along with the writ petition but no challenge to it has been laid. Once that be the position and in view of the specific stand taken by the respondents according to which survey ID No. 11736 belongs to one Tej Narayan Sherstha, and not to the petitioner, the claim of the petitioner that he was actually surveyed in 2016 cannot be accepted. The fact that the order dated 03.01.2020 has been withdrawn also weakens the case of the petitioner accordingly.

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on the factual premise that petitioner was surveyed and was assigned survey ID No. 11736. This factual premise once is shown to be incorrect from the records produced. The petitioner therefore cannot seek enforcement of an order which is based on a factually incorrect premise. The records otherwise reveal that the petitioner has been intimated on 03.05.2023 that he was neither surveyed nor was registered and the communication dated 03.01.2020 stands withdrawn. Despite such order being served upon the petitioner there is no challenge laid to it by the petitioner and thus, order dated 03.05.2023 has attained finality. In the face of such factual premise, the previous order passed by the Grievance Redressal Forum based on incorrect factual premise cannot be enforced by issuance of writ under Article 226 of the Constitution.

13. The legal proposition with regard to finality of orders and for it to be respected by the State authorities cannot be doubted. However where it is shown that the order of the *quasi judicial* authority i.e GRDRC proceeds on a factual incorrect premise and is otherwise not shown to be backed by any legal authority, inasmuch as a person not surveyed or registered is not shown to have any right under the Act of 2014 or the consequential Rules and the bye-laws, the Principle of finality to *quasi judicial* orders cannot be pressed to grant the relief, prayed. The grievance of the petitioner therefore is found to be bereft of any merit.

13. Before concluding, we may observed that the decision of Town Vending Committee dated 01.12.2025 has been brought on record only by way of filing reply in the month of January 2026. In terms of the applicable enactment, petitioner has the right of filing appeal against such decision. The decision of present writ petition therefore will not preclude the petitioner



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01.12.2025 in appropriate proceedings and the same shall be decided on its own merits.

14. The petition subject to the aforesaid observations is accordingly dismissed.

15. Pending application(s), if any, shall also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

13.01.2026
Rajeev (rvs)

(RAMESH CHANDER DIMRI)
JUDGE

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