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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-13498-2021

Date of Decision:- 29.04.2026

SAMBHU SINGH

....Petitioner

Vs.

MUNICIPAL CORPORATION CHANDIGARH

...Respondent

**CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Karan Singh Rana, Advocate for the appellant
(through V.C.)

Mr. Sanjiv Ghai, Additional Standing Counsel and
Mr. Manpreet Singh, Advocate for the respondent – MC,
Chandigarh.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 16.06.2021 (Annexure P-11) and for prohibiting the respondent from harassing the petitioner in an illegal and unlawful manner.

2. Mr. Karan Singh Rana, Advocate appearing by way of video conferencing, while arguing the present petition has submitted that the petitioner is holding a licence as street vendor and was also issued an ID card, which has been attached with the present petition as Annexure P-1.



He was registered as street vendor on 16.10.2017. He submitted that he had been doing the business of tea stall. Along with the said tea stall, he was also selling and operating the business of tea, cigarettes and tobacco. He submits that although the licence which was granted to him was for essential services but the same was for selling of tea and snacks and he could not earn his livelihood by only selling the aforesaid because of which he is compelled to sell cigarettes and tobacco as well. He further submits that despite he being issued the valid licence by respondent – Municipal Corporation, they have repeatedly raided the tea stall of the petitioner and have not let him carry his business and challaned him for number of times for which he has to pay the fee on the ground that he was selling tobacco and cigarette as well. He further submits that necessary directions be issued to the respondent not to disturb his daily business in this regard.

3. On the other hand, Mr. Ghai, learned counsel appearing on behalf of the respondent – Municipal Corporation while referring to the written statement filed by the Additional Commissioner, Municipal Corporation, Chandigarh submitted that present petition is liable to be dismissed on the ground that the petitioner was undoubtedly granted licence by Annexure P-1 but the same was only for Essential Service Providers which is clear from the aforesaid licence. The expression “Essential Service Providers” has been defined in the relevant Rules which have been reproduced in the reply in para No.1 of the preliminary submissions. As per the aforesaid bye-laws, the expression ‘Essential Service Providers’ provides for the definition of the same to include various articles which can be sold by the licence holder but it does not



include any kind of selling of cigarettes or tobacco and therefore, the petitioner deliberately violated the conditions of the licence and had been selling cigarettes and tobacco unauthorisedly and therefore, respondent – Municipal Corporation had no option but to take strict action against him. He also submitted that earlier, the sale of tobacco and cigarettes was rather prohibited to be sold by street vendors vide Annexure R-3. He submits that clearly it is an admitted case of the petitioner himself which has also been depicted in para No.2 of the writ petition itself that he was engaged in the aforesaid business and rather in one of the challans which has been attached with the present petition as Annexure P-7 confiscation was made for cigarettes and other material which is clear from the aforesaid challan (Annexure P-7). It is further submitted that the petitioner cannot act contrary to the law and conditions of the licence itself, therefore, present petition is liable to be dismissed.

4. Mr. Ghai has also so submitted that the respondent – Municipal Corporation does not prohibit the petitioner from selling those articles which are permitted as essential services which includes tea as well. However, the objection of the respondent is that petitioner cannot sell cigarettes and tobacco which is not a part of essential services and therefore, on this ground the petition is liable to be dismissed.

5. We have heard the learned counsel for the parties. The grievance of the petitioner is that he is having a licence issued by the respondent – Municipal Corporation which has been annexed as Annexure P-1. A perusal of the aforesaid licence would show that it is a licence as a street vendor in the nature of an ID card which provides for essential



service and the petitioner was registered in the year 2017. The meaning of the aforesaid expression “Essential Service Providers” has been reproduced in the reply in para No.1 of the preliminary submissions. The aforesaid definition is contained in clause 2 (d) of 2018 bye-laws which was amended later-on. Both the aforesaid un-amended and amended bye-laws which provides for the definition of Essential Service Providers in The Street Vendors (Protection of Livelihood and Regulation of Street Vending), Municipal Corporation, Chandigarh Bye-Laws-2018 are reproduced as under:-

“2. Definition (s).- In these bye-laws, unless the context otherwise requires:

XXXX

(d) “Essential Service Providers” means those street vendors who are providing essential services with the vicinity e.g. cobbler, milk/bread/egg seller, tea vendor, cycle/rickshaw repairer, dhobi (ironing) barber and massager,”.

Amendment definition of Essential Service Providers as contained in Chapter-I, para No.2 (d) of the 2018 Bye-laws:-

“Essential Service Providers” means those street vendors who are providing essential services within the vicinity e.g. cobbler, milk bread egg seller, tea vendor, cycle/rickshaw repairer, dhobi, (ironing) barber, Tandoor, Chhole Bhature, Kulche Chhole and Parantha, fruits and vegetables and the florists sitting outside the religious places like Mandir and Gurudwara.”

6. A bare perusal of the aforesaid definition, both un-amended



and amended, would show that the definition is exhaustive since the expression used is '*means*' and it means various articles and work which can be performed by the Essential Service Providers and clearly it does not include the selling of cigarettes or tobacco. Therefore, it is evident that the petitioner who was granted the licence as "Essential Service Providers" could not have sold cigarettes or tobacco because it *ex facie* does not fall in the aforesaid definition.

7. A perusal of Annexure P-7 would show that when the stall of the petitioner was raided then there was confiscation of cigarettes and other material and the grievance of the petitioner is that he should be permitted to sell the same.

8. Interestingly, it is the case of the learned counsel for the petitioner which he has argued today which is also substantiated from para No.2 of the writ petition that he wants to sell cigarettes and tobacco notwithstanding the same is not permitted under the law. Para No.2 of the writ petition reproduced as under:-

"2. That the petitioner is having a vend (Phari) (Tea Stall//Panwadi) located at Ward No.16, Sector-20C, Chandigarh since last 40 years. It would not be out of place to mention that the petitioner is engaged in business of selling Tea, Cigarettes and Tobacco."

9. We are, therefore, of the considered view that the present writ petition is liable to be dismissed because the petitioner cannot be permitted to sell cigarette or tobacco when he is not permitted to do so having been granted licence as "Essential Service Providers" and selling of tobacco and



Cigarettes is not included in the aforesaid definition as per the aforesaid Bye-laws, 2018.

10. Consequently, we do not find any merit in the present writ petition and the same is, hereby, dismissed.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

29.04.2026

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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No