



Court on its own motion vs. State of H.P & Others

CMP No. 9891 of 2022 in CWPIL No. 14 of 2014

05.07.2023 Present: Mr. Vinay Kuthiala, Senior Advocate as *Amicus Curiae* with Mr. Diwan Singh Negi, Advocate.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General with Mr. Gautam Sood and Mr. Arsh Rattan, Deputy Advocate Generals, for respondents No. 1 to 7, 9 and 11-State.

Mr. Vivek Sharma, Advocate, for respondent No. 8-Municipal Corporation.

Ms. Shrishti Chauhan, Advocate, for respondent No.12.

Mr. Bhupinder Singh Ahuja, Advocate, for respondent No. 13.

Heard counsel for the respective parties.

2. We have perused the compliance report filed by the Municipal Commissioner, Shimla. Unfortunately, the Municipal Commissioner and the Municipal Committee, inspite of an undertaking given on the last occasion that they would strictly comply with the provisions of the statute, have done nothing in the last six weeks and have not prepared a plan for street vending under Section 21 (1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in consultation with the planning authority; and not even constituted a 'Town Vending Committee' in the manner indicated in Section 22 of the Act and the Rules made thereunder.

3. They have taken recourse to action for eviction of the street vendors operating in Lower Bazaar area after declaring a 'No Vending Zone' in the Lower Bazaar area on 21.01.2023.

4. Without properly constituting a 'Town Vending Committee' under Section 22 of the Act, we fail to understand how a notification under Section 18(1) of the Act could have been issued declaring any area to be a 'No Vending Zone'.

5. In this background, we issue the following directions:-

(a) The interim order granted earlier will continue for a period of four more weeks.

(b) The counsel for respondent no. 13 shall share with the counsel for 8th respondent within two weeks from today, the details of the licences held by the members of the said association to enable the 8th respondent to verify the same.

(c) The 8th respondent shall forthwith take steps to constitute a 'Town Vending Committee' under Section 22 of the Act and the Rules made thereunder; and (d) the State Government acting under Section 20 of the Act, shall forthwith constitute a 'Dispute Redressal Mechanism'.

6. List on **08.08.2023**.

7. Status report(s) be filed by respondents no.1 and 8 by the next date of hearing. Copies of the same be served upon the learned *Amicus Curiae*.

(M.S. Ramachandra Rao)
Chief Justice

5th July, 2023
(*priti*)

(Ajay Mohan Goel)
Judge

High Court