



CWP No. 26405 of 2024 (O&M)

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In the High Court of Punjab and Haryana at Chandigarh

CWP No. 26405 of 2024 (O&M)

Reserved on: 31.1.2025

Date of Decision: 25.2.2025

Puneet Sharma and others

.....Petitioners

Versus

Union Territory, Chandigarh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Argued by: Mr. Jasbir Singh, Advocate
for the petitioners.

Mr. Sanjiv Ghai, Advocate
for the respondent-U.T.

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioners seek the quashing of the agenda item No. 4/resolution, as declared in 32th meeting of the Town Vending Committee, Municipal Corporation, Chandigarh held on 6.7.2023 (Annexure P-4), show-cause notice (Annexure P-5), and, of the public notices (Annexures P-3 and P-7).

Brief facts of the case

2. It is averred in the instant petition, that the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short '*the Act of 2014*') came into force on 1.5.2014. The Ministry of Housing and Urban Poverty Alleviation, thereafter notified Union Territory of Chandigarh Street Vendors (Protection of Livelihood and Regulation of

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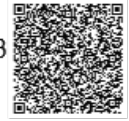
Street Vending), Rules 2015 (for short '*the Rules of 2015*').

3. On 30.3.2016, the U.T., Administrator under Rule 12 of the Rules of 2015, thus constituted the Town Vending Committee and notified the same on 30.3.2016. Subsequently, the Town Vending Committee held its meeting on 6.4.2016. The Municipal Corporation, Chandigarh, conducted a survey in the year 2016, throughout U.T., Chandigarh, and, after the said survey, the Municipal Corporation, Chandigarh, registered the surveyed street vendors. Resultantly, the petitioners were also surveyed, and, became registered by the Municipal Corporation, and, were also given the survey IDs by the Municipal Corporation, as per the provisions of the Act of 2014. It is further averred that after the issuance of the survey IDs, the respondent No. 4 issued a provisional certificate for their vending sites situated at Sector-19, Chandigarh, and, permission became granted to the petitioners to work in Sector-19.

4. It is further averred in the instant petition, that subsequently respondent No. 2 arbitrarily dislocated the petitioners from their place of vending i.e. Sector-19, and, consequently respectively shifted petitioners No. 1 to 7, 9 and 10 to Sector-15, petitioner No. 8 to Sector-23 and petitioner No. 11 to Sector 46. On account of the said shiftings, the petitioners on account of non-availability of customers rather could not earn their livelihood. The petitioners also submitted representation/application with regard to their said relocation/dislocation, however, the respondents did not consider their representation/application. The petitioners again approached respondent No. 2 seeking permission to work as street vendors in Sector-19, however, no action was taken by the respondent concerned on the said raised plea by the petitioners. It is further averred therein, that respondent No. 3-

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Commissioner, Municipal Corporation, Chandigarh, issued a public notice (Annexure P-3) in the local newspaper stating therein, that the Municipal Corporation, Chandigarh, is going to conduct draw of lots to allot the sites to the vendors concerned, who have not been allotted any site till date, and, requested them to thus clear their dues upto 28.2.2024, and, thereby also provided a last opportunity to all the defaulting vendors to deposit the outstanding dues of licence fee, so that, their names can be considered for the draw of lots.

5. The Town Vending Committee in its meeting held on 6.7.2023 (Annexure P-4), delegated its powers to the Additional Commissioner/Joint Commissioner, Municipal Corporation, Chandigarh, to decide the matter(s) with respect to cancelling of the apposite licences but in accordance with the procedure established by law. Thereafter the Joint Commissioner issued show cause notices (Annexure P-5) to the petitioners/street vendors under Section 10 of the Act of 2014, thus directing them to deposit the outstanding dues on account of vending fee and penalty. The petitioners moved an application dated 20.2.2024 (Annexure P-6) to respondent No. 3 to not illegally, and, forcibly recover the monthly charges from them.

6. It is further averred that another public notice (Annexure P-7) became issued, thus informing all the registered street vendors, that thereby a last opportunity becomes granted to all the defaulting street vendors, to pay their pending vending fee, penalties and to clear their dues positively by 31.7.2024. The petitioners moved an application (Annexure P-8) to respondent No. 3-Commissioner, Municipal Corporation, Chandigarh, with a request to provide an opportunity of hearing to them, with regard to penalty/fine and with regard to resolution of their grievance qua their

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respective dislocation(s) to remote areas. However, respondent No. 3 failed to consider the grievance of the petitioners, and, proceeded to revoke/cancel the certificate of vending, already issued to the petitioners.

Submissions on behalf of the learned counsel for the petitioners

7. The learned counsel for the petitioners submits-

(i) That none of the conditions laid down in the certificate of vending, has been violated by the petitioners, and, that the petitioners have been illegally dislocated from the initially allotted sites to remote areas wherebys they become precluded to earn their livelihood.

(ii) That insofar as the cancellation/suspension of the certificates of vendings are concerned, the Town Vending Committee, has to act itself, and, it has no authority to delegate its power to Additional Commissioner/Joint Commissioner concerned.

(iii) That Sections 3, 6, 18 and 21 of the Act of 2014, Section 21 of the Rules of 2015, and, Section 9 of the Chandigarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016, rather endowed an empowerment only vis-a-vis the Town Vending Committee, thus to either issue, suspend or cancel the licence of the street vendors, and, since thereunders no authority becomes vested in the Commissioner/Additional Commissioner/Joint Commissioner, hence to draw any penal action against the defaulting street vendors.

8. Therefore, it is prayed that the impugned agenda item (Annexure P-4), show cause notice (Annexure P-5) as well as the public notices (Annexures P-3 and P-7) be quashed and set aside.



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Submissions on behalf of the learned counsel for the respondents-U.T

9. The learned counsel for the respondents-U.T., submits-

(i) That the petitioners have defaulted in payment of vending fee, and, have not paid the outstanding amount despite granting of numerous opportunities. As such, their vending licence/certificate of vending became cancelled by a decision taken by the Town Vending Committee, in its meeting held on 7.10.2024.

(ii) That Section 10 of the Act of 2014, provisions whereof become extracted hereinafter, envisages that in case a street vendor who has been issued a certificate of vending under the Act of 2014, breaches any of the conditions of the said certificate or any other terms and conditions as specified for the purpose of regulating street vending under the Act of 2014, thereupon the Town Vending Committee may cancel the certificate of vending or suspend the same.

“Where a street vendor who has been issued a certificate of vending under this Act commits breach of any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud, the Town Vending Committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the certificate of vending or suspend the same in such as may be specified in the scheme and for such period as it deems fit.”

(iii) That as per Rule 12 of the Rules of 2015, provisions whereof become extracted hereinafter, the Municipal Commissioner, is the Chairperson of the Town Vending Committee, and, the Joint Commissioner, Municipal Corporation, incharge of the Street Vendors Cell of the Municipal Corporation, performs the administrative functions of submitting agendas



and proposals to the Town Vending Committee, in the apposite meeting, as becomes held from time to time. Therefore, in terms of the supra meeting held on 6.7.2023, the Town Vending Committee, thus has delegated the relevant apposite administrative powers to the Additional Commissioner/Joint Commissioner. Moreover, when there is no bar created in Section 10 of the Act of 2014 upon the Town Vending Committee to delegate the powers relating to the performance of administrative functions on its behalf, thus by an officer of the local authority. Resultantly, the performance of the delegated administrative powers on behalf of the Town Vending Committee, by the Joint Commissioner, does not vitiate, the show cause notice, as subsequently the petitioners were evidently permitted to cause their appearances before the Town Vending Committee, which was to either accept the responses of the petitioners, or to reject them, and, was subsequently to order for the cancellation of the street vending licences issued to the petitioners.

“12. Constitution of Town Vending Committee.

- (1) In each local authority one Town Vending Committee shall be constituted by the Government:Provided that the Government, if it considers necessary, on the request of the concerned local authority may provide for constitution of more than one Town Vending Committee for each local authority after specifying their jurisdiction.*
- (2) The constitution of a Town Vending Committee shall be as follows, namely:-*

Sr. No.	Government Department and other Bodies	No. of members
(a)	Government Department -	
(i)	Chairperson (Municipal Commissioner or Chief Executive Officer)	01
(ii)	Representative of Police (preferably from the Traffic Division)	01
(iii)	Medical Officer of Health, Municipal Corporation Chandigarh	01
(iv)	Representative of Urban Planning Authority,	01



	Union Territory administration, Chandigarh	
(v)	Superintendent of Police, Union Territory administration, Chandigarh	01
(b)	Other Bodies -	
(i)	Street vendors (one-third of whom shall be women vendors, with due representation of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities)	05
(ii)	Non-government organisations and community based organisations	01
(iii)	Resident Welfare Associations	01
	Total	12

(3) The members of the Town Vending Committee other than the elected members shall be nominated by the Government:

Provided that nomination of Government members shall be preferred from amongst persons who are dealing with street vendors or related activities:

Provided further that nomination of members representing non-governmental organisations or community based organisations or resident welfare associations shall be carried out on the basis of such criteria as may be laid down by the Government, after inviting applications, as such, by publishing the same in at least two local newspapers or publicising in any other manner.”

(iv) That since vending licences/certificates of petitioners concerned, have been cancelled by the Town Vending Committee in its meeting held on 7.10.2024, therefore, in case the petitioners are aggrieved from the said decision, they can avail the remedy of appeal under Section 11 of the Act of 2014 before the appellate authority concerned, duly constituted vide notification dated 20.12.2024.

Inferences of this Court

10. A perusal of the supra extracted provisions, as embodied in Section 10 of the Act of 2014, and, of Rule 12 of the Rules of 2015, displays that thereby the empowerment to cancel the street vending licences becomes vested in the Town Vending Committee. Therefore, the apposite cancellations, of the street vending licences, as issued to the present

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petitioners, as are made by the Town Vending Committee, whereons, becomes conferred the apposite empowerment. Though therebys, the supra well exercised empowerment to rescind the street vending licences of the present petitioners, thus is not suffering from any illegality.

11. However, yet the learned counsel for the petitioners has continued to argue, that since initiation of the process for the Town Vending Committee ultimately passing the apposite cancellation order, became initiated by the Additional Commissioner concerned, therebys, even the final order, as becomes passed by the Town Vending Committee also suffers from an illegality.

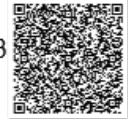
12. However, the said argument is of no legal consequence, as the test for determining the validity of the cancellations' of the licences issued to the present petitioners, is grooved in the factum, whether the said order was passed or not passed by the empowered Town Vending Committee. Since the said order has been passed by the empowered Town Vending Committee, therebys if the process for initiating action against the present petitioners, thus became initiated by the Additional Commissioner concerned, who is the administrative officer of the Corporation, and, to whom the relevant administrative functions have been validly delegated, thereupon the said initiated process is of no illegal consequence, as it ultimately merges into valid exercisings of the bestowed empowerment(s), upon the Town Vending Committee.

13. Be that as it may, since the grievance made by the present petitioners arises from theirs being located at such remote places from where they become disabled to earn their livelihood. Resultantly when therebys, they contend that they were not able to liquidate the imposed licence fee, as

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became imposed upon them, nor theirs becoming enabled to liquidate the penalties, as become imposed upon them, besides when they contend, that the said grievance becoming not adequately redressed by the Town Vending Committee.

14. However, since the show cause notice has merged into final order passed by the Town Vending Committee, and, when the petitioner have the remedy to make a statutory appeal thereagainst. Therefore, all the grievances, as raised in the instant writ petition are available to be raised before the statutory appellate authority concerned.

15. In aftermath, after upholding the impugned show cause notice, this Court permits the petitioners to challenge the decision pursuant thereto made by the Town Vending Committee, thus through a statutory appeal becoming raised thereagainst, before the competent appellate authority concerned. Moreover, if the said statutory appeal is time barred, thereupon on an application cast under Section 5 of the Limitation Act, becoming appended with the statutory appeal, thus a valid speaking order shall be made by the appellate authority concerned. Subsequently, the said statutory appeal shall be registered and shall be decided on merits by the appellate authority concerned, but after hearing all the affected persons concerned. The said appeal be filed within two weeks from today, and, be ensured to be decided within two months thereafter.

16. Till then the operation of the cancellation order shall remain stayed, and, subsequently, in case an application, for an alike relief being claimed, becomes filed before the Appellate Authority, the same shall be lawfully decided within two weeks from the date of filing of the said application.



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Final order

17. With the afore observations, the instant petition stands disposed of.

18. The miscellaneous application(s), if any, is/are also disposed of.

**(SURESHWAR THAKUR)
JUDGE**

**(VIKAS SURI)
JUDGE**

**February 25, 2025
Gurpreet**

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