

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 17 of 2021 with
MC(PIL) No. 1 of 2025
PIL No. 9 of 2024

Date of order: 03.07.2025

Philip Khrawbok Shati vs State of Meghalaya & ors.

Meghalaya and Greater Shillong
Progressive Hawkers and Street Vendors Association vs. Andrew Aibok Jyrwa & ors.

Andrew Aibok Jyrwa vs The State of Meghalaya & ors.

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance in PIL No. 17/2021:

For the Petitioners : Mr. H.L. Shangreiso, Sr. Adv. with
Mr. T. Dkhar, Adv.
Ms. M. Hajong, Adv.

For the Respondents : Mr. A. Kumar, AG with
Mr. K. Khan, AAG
Mr. A.H. Kharwanlang, Addl.Sr.GA
Mr. S.P. Mahanta, Sr. Adv.
Mr. M. Lyngdoh, Adv.
Ms. K. Gurung, Adv.
Mr. Philemon Nongbri, Adv.

Appearance in MC (PIL) No. 1/2025:

For the Applicant : Mr. P. Yobin, Adv.

For the Respondents : Mr. N. Syngkon, Adv. with
Ms. L. Phanjom, Adv.

Appearance in PIL No. 9/2024:

For the Petitioners : Mr. N. Syngkon, Adv. with
Ms. L. Phanjom, Adv.

For the Respondents : Mrs. T. Yangi B., AAG with
Mr. K.P. Bhattacharjee, GA
Mr. Philemon Nongbri, Adv.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

Today, an application is moved by Mr. Yobin, learned Advocate on behalf of the Hawkers' Association. It is alleged that in the guise of enforcing our order dated 12th June, 2025, the local and police authorities are forcibly evicting hawkers from the police bazar area without observance of the due process of law. This eviction drive is allegedly carried on without providing alternative vending space to these hawkers. This allegation is denied in its entirety by learned Advocate General and the team of senior State counsel mentioned in the cause title part of our order assisting him. They contend that an alternative vending area has been allocated for these hawkers but they refuse to move from the police bazar area. Learned Advocate General also submits that within a short time all the licenced vendors can be accommodated in the new vending area.

Having heard learned counsel for the parties, we are of the view that the following directions will serve the ends of justice:

- (i) Mr. Subhasis Chakrawarty, learned senior Advocate is appointed as Special Officer at an initial remuneration of ₹ 75,000/- to be paid by the State by 11th July, 2025.
- (ii) Under the Special Officer and in consultation with the General Secretary, Hawkers' Association, the local and police authorities will prepare a list of authorised or licenced vendors which are stated to be around 349.
- (iii) The other vendors vending goods in police bazar identified similarly as (ii) above will be treated as those without licence. The Special Officer along with the General Secretary of the Association, the local and police authorities will see to it that these unlicenced vendors do not vend any kind of goods in the above area.
- (iv) The licenced vendors shall be allowed a limited number of days and a limited time each day, from 12.30 p.m. to 2 p.m. and from 7.30 p.m. to 9 p.m. to vend merchandise in the place they are vending now, subject to the undertaking given by the Association General Secretary through the learned counsel that those licenced vendors shall not exceed the time limit and move out of the area to ensure that there is no disruption in traffic flow or human

movement. If there is breach, then the Special Officer along with the local and police authorities shall not allow any vendor to sell merchandise in the said area.

- (v) The General Secretary of the Association also undertakes to this Court and shall ensure that as and when the alternative vending place is provided by the local authority to any vendor, he will immediately shift. If he does not then he shall be liable to be evicted from the place of vending immediately.
- (vi) The other hawkers shall be free to make applications before the appropriate authorities to obtain a valid licence which may be considered by those authorities in accordance with law. On obtaining a report from those authorities regarding those applications this Court will consider taking further action regarding them.

Above all, the Special Officer with his vast knowledge, experience, maturity and tact shall ensure that our orders in this public interest litigation are implemented without any breach of peace or commission of any offence.

The Special Officer will file a report containing subreports by local and police authorities in this Court by the next returnable date of the matter which is fixed on 5th August, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
03.07.2025
"Sylvana PS"