

# JAIPUR SHEHAR HATWADA SAMIT v. STATE (URBAN DEVELOPMENT)ORS

Rajasthan High Court (Mar 3, 2017)

## CASE NO.

CW Case No. 7117 of 2016

## SUMMARY

### Issues

### Order

The Honorable Court, after considering the facts and circumstances of the present case, hereby orders the following:

1. The respondents are directed to issue a certificate of vending for their respective place of business in accordance with the provisions of the Street Vendors Act 2014.
2. The respondents are directed to declare a vending zone in Jaipur city in compliance with the provisions of the Street Vendors Act 2014.
3. The respondents are directed to effectively implement the provisions of the Rajasthan Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2011.
4. Any other order or direction deemed just and proper by this Honorable Court in favor of the petitioner.

## JUDGMENT

**Judgment 03/03/2017** In these writ petitions, following prayers have been made which are quoted thus:

- i) direct the respondents effectively implement the provisions of Rajasthan *Street Vendors* (Protection of Livelihood and Regulation of *Street* Vending) Act, 2011. ii) direct the respondents constitute a town vending committee for Jaipur City and issued the license/certificate (4 of 7) [CW-5155/2016] to the members of the petitioner association for running the *street* markets. iii) direct the respondents in compliance of provision of the Rajasthan *Street Vendors* (Protection of Livelihood and **Regulation of Street Vending**) **Act, 2011** demarcated the places in Jaipur City to run the *street* market. iv) Any other order or direction which this Honble Court deems just and proper looking the facts and

circumstances of the present case may please be passed in *favour* of the petitioner.

1. The respondents may kindly be directed to issued a certificate of vending for their respective place of business in the light of the provisions of the

*street*

*vendors*

act 2014 by declaring vending zone in Jaipur city.

2. The respondents may kindly be directed to implement the provisions of the *street vendors* act 2014. Any other order or directions which this Honble court deems fit and proper may kindly be passed in *favour* of the petitioner.

It is, therefore most humble prayed that Your Honor may kindly be pleased to accept and allow the writ petition of the humble petitioner and by an appropriate writ, order or direction the action of the respondents in removing the *vendors* from Sanjay Bazar, Jaipur may kindly be declare bad and illegal and respondents may further be directed to allow the *vendors* to do their business on Sunday in Hatwada at Sanjay Bazar, Jaipur or in alternate respondents may be given direction to provide nearest alternative place for the *vendors* of Sanjay Bazar to run Hatwada. (5 of 7) [CW-5155/2016] Further respondents may be directed to implement the provision of Rajasthan *Street Vendors* (Protection of Livelihood and **Regulation of Street Vending**) Act 2011. That any other order or direction may also be passed in view of the facts and circumstances in *favour* of the petitioner in the interest of justice.

i) direct the respondents effectively implement the provisions of Rajasthan *Street Vendors* (Protection of Livelihood and Regulation of *Street Vending*) Act, 2011. ii) direct the respondents constitute a town vending committee for Jaipur City and issued the license/certificate to the members of the petitioner association for running the *street* markets. iii) direct the respondents in compliance of provision of the Rajasthan *Street Vendors* (Protection of Livelihood and **Regulation of Street Vending**) Act, 2011 demarcated the places in Jaipur City to run the *street* market. iv) Any other order or direction which this Honble Court deems just and proper looking the facts and circumstances of the present case may please be passed in *favour* of the petitioner.

The perusal of the reliefs in different writ petitions shows nothing but mainly for implementation of Rajasthan

*Street*

Vendors

(Protection of Livelihood and

**Regulation of Street Vending) Act, 2014 (for short the Act of 2014).**

It was earlier the Act of 2011. On the last date of hearing, an order was passed as to why the committee has not been constituted. A direction was given to keep the Collector, Jaipur present in the court because (6 of 7) [CW-5155/2016] present writ petitions are restricted to Jaipur City only. In pursuance of directions of this court, the Collector, Jaipur remain present in the court and produced a copy of the order dated 2nd March, 2017 regarding constitution of committee. So far as relief for constitution of committee is concerned, it has come to an end with constitution of committee. The issue now remains regarding issuance of licence/certificate to the Members of the petitioner-Association and compliance of the Act of 2014 for demarcation of places in Jaipur City to run the

*street*

market. Learned counsel for Municipal Corporation submits that a survey has to be made to demarcate the areas to run the

*street*

market. Three months time is prayed to complete the exercise aforesaid. This court, however, grants four months time to the Municipal Corporation to demarcate the places in Jaipur city to run the

*street*

market. So far as issue for grant of licence/certificate is concerned, the application may be submitted by the Members of the petitioner- Association and others. It would be then considered by the competent authority for grant of licence/certificate in the vending zone demarcated by the Municipal Corporation. The exercise aforesaid would be completed within a period of two months from the date of demarcation of vending zone. It was otherwise expected from the respondents to undertake the required exercise immediately on coming into effect the Act of 2014. In any case, now implementation of the provisions of the Act of 2014 would be made, as directed above. (7 of 7) [CW-5155/2016] With the aforesaid, writ petitions stand disposed of. The interim order to continue subject to the order passed by the Division Bench of this court on 12th February, 2015 in D.B. Public Interest Litigation Petition No.6623/2012. The respondents would be at liberty to submit application for extension of time but after producing the entire record to show how

compliance of the order has been processed. A copy of this order be placed in each connected file. (M.N. BHANDARI)J. FRBOHRA