

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2750 OF 2019

Bombay Hawkers Association ... Petitioner

V/s.

Chairperson, Town Vending

Committee & Ors ... Respondents

WITH

WRIT PETITION NO.766 OF 2021

WITH

WRIT PETITION NO.3608 OF 2025

WITH

SUO MOTU WRIT PETITION NO.1 OF 2023

High Court On Its Own Motion ... Petitioner

V/s.

State of Maharashtra & Ors ... Respondents

WITH

INTERIM APPLICATION NO.666 OF 2024

WITH

INTERIM APPLICATION NO.782 OF 2024

WITH

INTERIM APPLICATION (L) NO.23233 OF 2024

WITH

INTERIM APPLICATION (L) NO.21142 OF 2024

WITH

INTERIM APPLICATION (L) NO.22832 OF 2024

WITH

INTERIM APPLICATION (L) NO.1242 OF 2025

WITH

INTERIM APPLICATION NO.621 OF 2024

WITH

INTERIM APPLICATION (L) NO.22809 OF 2024

WITH

INTERIM APPLICATION (L) NO.7056 OF 2024

WITH

**WRIT PETITION NO.1262 OF 2023
WITH
PUBLIC INTEREST LITIGATION (L) NO.11793 OF 2025**

Goregaon Merchants Association ... Petitioner

V/s.

The State of Maharashtra & Ors ... Respondents

Mr. Jamshed Mistry, Amicus in all matters.

Mr. Yogendra M. Koli i/b Mr. Mohammad Ashraf for the Petitioner in WP/766/2021 and WP/2750/2019.

Mr. Ankur Jain a/w Ms. Kajal Soni h/f Mr. Ram Singh for the Petitioner in WP/3608/2025.

Ms. Smita Tondwalkar for the Respondent - BMC in WP/2750/2019, 766/2021, 3608/2025.

Mr. Mohit Jadhav, Addl G.P for Respondent-State in WP/2750/2019.

Ms. Anjali Helekar, G.P a/w Mr.Suraj Gupte, A.G.P, for State in WP/3608/2025.

Mr. Indrajiet Joshiee, for Petitioner in WP/1262/2023.

Mr. Amar Gharte, for Applicant in IA/782/2024 and 666/2024.

Mr.Nitin Thakkar, Senior Advocate a/w Mr. Sharan Jagtiani, Senior Advocate a/w Ms. Namrata Vinod, Mr. Ravikumar Kamble, Mr. Sohan Kinkhabwala i/b S. Mohamadmbhai & Co., for the BBA in IA/621/2024.

Mr. Chaitanya Chavan a/w Ms. Smita Tondwalkar, for Respondent-BMC.

Mr. Bahraiz Irani A/W Ms. Afrin Dalal, Mr. Anosh Irani, Mr. Amit Padwal, Ms.Afreen Bano, Ms. Shane Santos for the Petitioners in PIL(L)/11793/2025.

Smt. Anjali Helekar, G.P a/w Smt. Varsha Sawant for the State-PIL(L)/11793/2025.

Smt. Anjali Helekar, G.P a/w Smt. Rita Joshi, A.G.P in SMP/1/2023.

Mr. Anil C. Singh, Senior Advocate a/w Ms. Smita Tondwalkar for B.M.C. in SMP/1/2023.

Smt. Anjali Helekar, G.P a/w Smt. Anupamaa Pawar A.G.P in IA/7056/2024.

Smt. Anjali Helekar, G.P a/w Smt. Vrushali Kabre, A.G.P in IA/666/2024.

Smt. Anjali Helekar, G.P a/w Smt. Jyoti Chavan Addl. G.P, A.G.P in IA/21142/2024.

Smt. Anjali Helekar, G.P a/w Smt. Usha Rahi, A.G.P in IA/22809/2024.

Smt. Anjali Helekar, G.P a/w Mr. Suraj Gupte, A.G.P in IA/621/2024.

Smt. Anjali Helekar, G.P a/w Smt. Madhura Deshmukh, A.G.P in IA/22832/2024.

Smt. Anjali Helekar, G.P a/w Shri. Suraj Gupte, A.G.P in IA/1242/2025.

Smt. Anjali Helekar, G.P a/w Smt. Sheetal Malwankar, A.G.P in IA/23233/2024.

Smt. Anjali Helekar, G.P a/w Smt. Fatima Lakdwala A.G.P in IA/782/2024.

Mr. Kaustubh Gidh for the Applicants in IAL/22809/2024 and 22832/2024 and for Respondent Nos.5, 11, 12 in SMP(L)/1/2023.

Mr. Chaitanya Chavan a/w Ms. Smita Tondwalkar for Respondent-BMC in IAL/21142/2024.

Ms. Nutan Jadhav, A.S.L. is present in Court.

Mr. Anil Laxman Kate (S.L) a/w Mrs. Jawalkar Namrata are present in Court.

Mrs. Ketki Desai, Sr. Insp. Echo a/w Mrs. Dhanshri Shetty, LIC (Insp), Mr. Vijay Jadhav, LIC (Insp).

Mr. Vishwanath Chavan, Operation Office, C.P. Office, Mumbai.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 21st APRIL 2026

P.C.

AT 3:45 P.M.

1) Mr.Irani, learned Advocate appearing in Public Interest Litigation (L) No.11793 of 2025, tendered across the bar a compilation of documents with a covering letter dated 21st April, 2026, duly signed by Mr. H.B. Patel, elected councillor, Ward No.55, P/South Ward, Mumbai. Mr. Patel has expressed his grievance about the illegal hawking within the jurisdiction of P/South Ward, Mumbai.

2) Public Interest Litigation (L) No.11793 of 2025, is filed for implementation of the Judgment of this Court in the case of *The Maharashtra Ekta Hawkers Union Vs. Town Vending Committee - MCGM & Ors. in WP (L) No.29339 of 2024, and other connected Writ Petitions, dated 23rd March, 2026*, and to adopt necessary and appropriate measures to

implement The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, and for other consequential reliefs, including relief of directing Respondents members therein to vacate all illegal hawkers from the vicinity of the places more specifically mentioned in prayer clauses of the Petition.

3) Mr. Irani, on earlier occasions in his arguments had also drawn our attention to the various complaints lodged not only by the Association of the Petitioner but also the complaints lodged by Mr. H.B. Patel, from time to time with the Municipal Authorities, of which as usual cognizance has not been taken by them and illegal hawking is flourishing.

4) Record indicates that, in Suo Motu Writ Petition No.1 of 2023, Mr. Kate, Superintendent of License, has filed an Affidavit dated 29th July, 2024. In the said Affidavit it is categorically stated that, the Officers of B.M.C. will take necessary steps for keeping away the illegal hawkers who are congesting the areas or streets atleast in the said 20 places, mentioned in the chart annexed to the said Affidavit.

5) It is a matter of common knowledge that, B.M.C. Officers have failed to honour their statements and illegal hawkers are occupying the streets.

6) In view of the letter dated 21st April, 2026, issued by Mr. H.B. Patel, of which we have taken cognizance, we deem it appropriate to appoint Mr. Jamshed Mistry (*amicus curiae*) and Mr. Chaitnaya Chavan, learned

Advocate appearing for B.M.C. as Court Commissioners to visit the first three places mentioned at page No.755 of compilation No.2 at Serial No.1, 2 and 3 which are in the vicinity of this Court immediately and submit their report to this Court at the end of the Board. The said survey shall be undertaken forthwith.

7) We direct the High Court Registry to make available a four wheeler vehicle immediately to enable Mr. Mistry and Mr.Chavan to travel from it.

8) We direct the Security Officer, High Court of Bombay, to provide all the necessary and requisite police protection to the said two Court Commissioners, acting under our directions.

LATER ON AT 5:30 PM.

9) Mr. Mistry and Mr.Chavan, Court Commissioners submitted the following note :-

“Visit by Court Commissioner to three areas as to set out on page no. 755 of Amicus Curie Compilation

1. CSMT upto Court – We walked and checked licenses of the hawkers and stall holders. By and large most of the hawkers had valid upto date payment made receipts alongwith the license copies. (Photographs and video evidence forwarded to court Associate).

2. Churchgate High Court – Hawkers were selling clothes, electronic items spectacles etc. They seemed to be informed of our visit and had kept license copies ready for

inspection. There was one hawker who had a license for the year 2031 (Photographs and video evidence forwarded to Court Associate).

3. Colaba Causeway- Rampant hawking on the Regal side onwards. No hawking at all on the the electric house side of the road. Hawkers were in very close proximity and except a few others had licenses which had expired. They kept saying they were surveyed hawkers. Some of their stalls had numbers on them. (Photographs and video evidence forwarded to Court Associate)”.

10) Record indicates that, in Civil Appeal Nos.4156-57 of 2002, in the case of *Maharashtra Ekta Hawkers Union & Anr Vs. Municipal Corporations, Greater Mumbai and Ors*, the Hon’ble Supreme Court in its Order dated 1st April, 2005 on internal page No.6 has held as under :-

“Office to issue notice to them as to why action in contempt should not be taken against them for instigating hawkers to act against Orders passed by this Court and for preventing implementation of the scheme framed by this Court. The Police is directed to give full and complete protection to the Municipal staff as and when they go to clear the hawkers as per the directions of this Court. It will be the duty of the Commissioner of Police, Greater Bombay to see that such protection is given. The Police Commissioner shall also ensure that there is regular patrolling to ensure that once the hawkers are removed from a particular place, they do not come back to that place. It appears that apart from a sum of Rs. 3,000/- provided for in our Order in the case of *Maharashtra Ekta Hawkers Union & Anr. vs.*

Municipal Corporation, Greater Mumbai & Ors. reported in (2004) 1 SCC 625, the Committee is demanding a further sum of Rs. 1,500/- from citizens' group or others who appear either to support or to object to the proposals being considered by the Committee. It is clarified that the Committee will not be entitled to charge any further or other amount from such persons or groups. All that the Chairman of Committee will be entitled to is the sum of Rs. 3,000/- as provided in our above said Order. The Committee must also work out a procedure by which the dates of hearing are made known to the public and the result or their decision is also made known to all parties particularly those who had participated before the Committee.

List on 26th July, 2005.

Copies of all the reports which have been received by this Court to be given to all parties who apply for the same.”

11) Despite the Hon'ble Supreme Court has issued directions in the year 2005. Today also, the Police Authorities are not following the same as a reason thereof and as noted earlier illegal hawkers activities are flourishing.

12) Smt. Anjali Helekar, learned Government Pleader submitted that, she took the charge as Government Pleader, High Court (Original Side), Bombay yesterday in the evening and seeks time to peruse record and take instructions from the Higher Authorities of the State of Maharashtra.

12.1) At her request, stand over to 28th April, 2026.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)