

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D. B. Civil Writ Petition (PIL) No. 4515/2024

Peoples Green Asangathit Shramik Union

-----Petitioner

Versus

State of Rajasthan & Others.

-----Respondents

For Petitioner	:	Mr. Sanjay Joshi Advocate with Mr. B.L. Saini Advocate and Mr. Umesh Chandra Sharma Advocate.
For Respondents	:	Mr. G.S. Gill, Additional Advocate General with Ms. Shikha Sharma Advocate. Mr. B.S. Chhaba Additional Advocate General with Mr. Avinash Chaudhary Advocate.

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

28/03/2024

Learned counsel for the petitioner submits that present petition has been filed by the Union of Registered Street Vendors, who are aggrieved by the action of the administration in bulldozing and destroying the vending stalls without complying with the procedural requirement. He would submit that the members of the Union are those who are registered street vendors and are entitled to certain protection under the provisions of the Rajasthan Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2011 (hereinafter referred to as 'the Act of 2011').

Submission of learned counsel for the petitioner is that on the basis of a newspaper report, learned Single Judge of this Court took suo moto cognizance on 13.03.2024 of encroachments made, but there

was no direction against any particular person. He would submit that the learned Single Judge had only taken cognizance and after taking cognizance, the case was directed to be registered as PIL for being listed before appropriate Bench. This order of taking cognizance on 13.03.2024, has been treated as a command. He would further submit that the administration, under a notion that the Court has directed it to remove street vendors without making any enquiry with regard to individual violation, has started a drive confined only to street vendors. He would further submit that the learned Single Judge has taken cognizance of the newspaper report which highlighted that the residential plots have been developed into commercial area and there are encroachments on public parking. As there was no order passed in the case, but only cognizance taken, the order could not be treated as a command to throw out the registered street vendors without complying with the procedure of law and without satisfaction on individual basis regarding violation of the provisions of the Act of 2011 or any conditions of operation as street vendors.

Learned Additional Advocate General representing Department of Local Self Government would submit that he would seek instructions in the matter and file appropriate reply. His submission is that the street vendors are entitled to protection in the manner and to the extent provided under the law and he will ensure that the order taking cognizance by learned Single Judge on 13.03.2024, leading to registration of D.B. Civil Writ Petition (PIL) No. 4122/2024, is not misused by the authorities to throw out the street vendors without having recorded specific finding with regard to violation in any individual case.

We have gone through the cognizance taking order dated 13.03.2024 passed by the learned Single Judge in D.B. Civil Writ Petition (PIL) No. 4122/2024 which is also listed today for analogous hearing.

Learned Single Judge has only taken cognizance and there is no order passed, obviously because any effective order has to be passed only by the appropriate Bench after listing of the suo moto petition. We are little surprised to see that a suggestion was made that the Bar will provide assistance to the police machinery for removal of encroachments. It appears that a list of advocates areawise was also submitted in the Court.

At present, we do not find any justification for involving members of the Bar in any anti-encroachment drive. It is the duty of the administration to ensure that the encroachments are removed.

Learned counsel for the State shall ensure filing of reply within four weeks.

Till the next date of hearing, it is directed that any action shall be taken against any street vendor only upon specific material and report that the concerned street vendor has violated the conditions of vending identity card and the provisions of the Act of 2011 or where such street vendor is found having made an encroachment.

List this matter after four weeks.

(BHUWAN GOYAL),J

(MANINDRA MOHAN SHRIVASTAVA),CJ