

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writs No. 15347/2017

Heritage City Thadi-Thela Union

----Petitioner

Versus

State Of Raj And Ors

----Respondent

For Petitioner(s)	:	Mr. Banwari Sharma, present in person
For Respondent(s)	:	Mr. Shikhar Chand, Nagar Nigam, present in person

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Judgment / Order

29/05/2018

While sitting in the Division Bench with Hon'ble the Chief Justice on 17th April, 2017 the order was passed in following terms:

"In our opinion the directions referred above, need to be converted in the final directions keeping in view the fact that out of 191, 184 vending committees have been constituted and 3 more are being notified shortly, with further directions that the remaining 4 committees be constituted within next four months."

सत्यमेव जयते

The petitioner is a Union which claims to espouse the cause of the street vendors. It is submitted that in spite of the aforesaid order having been passed survey relating to the vendors has not been conducted. The Vending Committees are not functioning as required and the Deputy Commissioner of the Municipal Corporation states that the process is on the way and they have invited applications for the purpose of ear marking various vending zones. However, he is unable to inform the Court as to

how much time would further be required in this regard. The representative of petitioner union is present and he has referred to interim order passed by this Court in another S.B.Civil Writ Petition No.6620/2018 wherein interim protection was granted by this Court.

From above facts, it appears that there is a complete causal and slack attitude adopted by the Municipal Corporation with regard to the orders passed by the Division Bench of this Court as noted above. The committees relating to each zone were required to function as per the order of this Court. However, as has come out from the statement of Officer-in-charge it appears that the Municipal Corporation has proceeded in deference to the orders and the work has been allotted to a firm on out source basis.

The order passed by the Division Bench of this Court is based on the directions issued by the Supreme Court in case of **"Gaiinda Ram Vs. MCD"** reported in 2010(10)SCC715. Taking note of above, it is deemed appropriate to direct the Chief Executive Officer Municipal Corporation to submit an affidavit about the work done in this regard before the next date.

In the meanwhile, the petitioner Union members shall not be dispossessed from the place where they are carrying on the current business and shall not be harassed by the Municipal Corporation Authorities.

List along with S.B.Civil Writ Petition No. 6620/2018 on 6th July, 2018.

(SANJEEV PRAKASH SHARMA),J

Anu/