

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).3532 OF 2025
(ARISING OUT OF S.L.P. (CIVIL) NO(S). 2272/2025)

COLABA CAUSEWAY TOURISM HAWKERSSTALL UNION

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard the learned counsel appearing for the parties.
3. Following were the prayers made by the appellant in the writ petition filed before the High Court:

“a) This Hon'ble Court be pleased to issue a Writ of mandamus or any other writ, order, or direction in the form of Mandamus directing Respondent Nos. 1, 2, and 3 to take such steps as may be necessary for the effective implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending Act) 2014 Act, and to report compliance of the same within a period of six months, including but not limited of:

- i. Set up/constitute a functional TVC and direct the TVC to do all such acts as are required to be done under the said Act, *interalia* of publishing the Charter under Section 26 of the Act, issuing certificates of vending to all eligible hawkers/vendors;
- ii. Frame a scheme in due consultation with the Local Authority and the TVC, in terms of Section 38 of the Act;
- iii. Prepare a Plan to promote the vocation of street vendors, in terms of Section 21 of

the Act.

b) This Hon'ble Court be pleased to issue a Writ of Certiorari or any other writ, order, or direction in the nature of a Writ of Certiorari, calling for the records pertaining to the Eligibility list and after perusing the same, be pleased to quash and set aside the same and to thereafter direct Respondent Nos. 2 and 3, to after following the due process of law, prepare a fresh list of eligibility;

c) In the alternative to prayer clause (b), this Hon'ble Court be pleased to add the names of the hawkers and vendors being represented by the Petitioner, whose names have not been included in the eligibility list, a list whereof is annexed as Exhibit "M";

d) This Hon'ble Court be pleased to restrain the Respondents or any persons acting on behalf of the Respondents from taking any coercive action, *inter alia* conducting eviction raids, confiscating goods, imposing fines, against the hawkers/vendors being represented by the Petitioner;

e) Pending the hearing and final disposal of the captioned Writ Petition, this Hon'ble Court be pleased to restrain the Respondents or any persons acting on behalf of the Respondents from taking any coercive action, *inter alia* conducting eviction raids, confiscating goods, imposing fine, against the hawkers/vendors being represented by the Petitioner;

..."

4. A perusal of the impugned judgment shows that the High Court has not considered the writ petition on merits. As far as prayer clause 'a' is concerned, the High Court has observed that as the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short, "the 2014 Act") is a central Act,

there is a presumption in law that it will be implemented in its true letter and spirit by the State Government. No such presumption exists. Moreover, if a beneficial legislation like the 2014 Act is not being implemented, it is the duty of the Constitutional Court to step in. The very grievance of the appellant was that there is no implementation of the 2014 Act.

5. Even prayer clause 'b' was again a part of implementation of the 2014 Act. In our view, the High Court ought to have dealt with the prayers in the writ petition on merits.

6. Accordingly, we set aside the impugned judgment dated 12th December, 2024 and restore Writ Petition (L) No.15416/2024 to the file of the High Court of Judicature at Bombay. The restored Writ Petition shall be listed before the roster Bench on 21st March, 2025 in the morning at 10:30 a.m. The parties which are represented today shall be under an obligation to appear before the Court on the date fixed and no further notice shall be served upon them. The interim relief granted by this Court on 27th January, 2025 shall continue to operate for a period of three months from today to enable the High Court to hear the parties on the prayer for interim relief. All contentions of the parties are left open to be decided by the High Court.

7. A copy of this order shall be forwarded by the Registry to the Registrar (Original Side) of the High Court of Judicature at Bombay

who shall ensure that the restored Petition is placed before the Court as directed above.

8. The Appeal is partly allowed on the above terms.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MARCH 03, 2025.

ITEM NO.67

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 2272/2025

[Arising out of impugned final judgment and order dated 12-12-2024 in WP(L) No. 15416/2024 passed by the High Court of Judicature at Bombay]

COLABA CAUSEWAY TOURISM HAWKERSSTALL UNION

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 24458/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s): Mr. Sunil Fernandes, Sr. Adv.
Ms. Nupur Kumar, AOR
Mr. Zainab R Shaikh, Adv.
Mr. Rafiullah Shaikh, Adv.
Ms. Diksha Dadu, Adv.

For Respondent(s): Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Rakesh K. Sharma, AOR
Ms. Adviteeya, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

VERDICTUM.IN

The Appeal is partly allowed in terms of the signed order.

Pending application stands disposed of accordingly.

**(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS**

**(AVGV RAMU)
COURT MASTER (NSH)**

[THE SIGNED ORDER IS PLACED ON THE FILE]