

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.3890 OF 2021

Palima Rajendra Kondar
Tata Nagar Zopadpatti and Ors. ...Petitioners
Versus
Deputy Commissioner and Ors. ...Respondents

Mr. Kranti L. C. with Mr. Kaustubh Gidh for the Petitioners.

Mr. Tejesh Dande with Mr. Bharat Gadhavi, Mr. Sarvesh Deshpande,
Mr. Parth Talekar with Mr. Aniket Shitole, for the Respondent Nos.1
to 3-NMMC.

Ms. Savita Prabhune, A.G.P. for the Respondent-State.

***CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATE : 27th JULY 2026

P.C. :

1. In compliance of our directions for constitution of the
Grievance Redressal Committees, as contemplated under Section 20 of
the Street Vendors (Protection of Livelihood and Regulation of Street
Vending) Act, 2014 to be read with the Maharashtra Street Vendors
(Protection of Livelihood and Regulation of Street Vending)

(Maharashtra) Rules, 2016, since we noted that the provision is not complied with and certain directions were issued, the Urban Development Department promptly came up with a Resolution on 28th April 2026. The Government Resolution, directed that such Committees shall be constituted by the Commissioner of the respective Corporations and the Collector at the District level. The Government Resolution also directed that this process should be completed within a period of 3 months and a report in that regard shall be forwarded to the State Government. However, it do not surprise us, that the time line prescribed in the Government Resolution is coming to an end by 30th July 2026, there is no compliance of the directives.

The learned A.G.P has placed before us a chart reflecting that only in 9 places, such Committees have been constituted and this include one Municipal Corporation Dhule and 8 Municipal Councils.

The figure itself reflect as to how seriously the officers of the Government take the directions issued by the Urban Development Department and that too by issuing a Resolution. Though the learned A.G.P Ms. Prabhune has made a serious attempt to point out to us the

difficulties, we do not see any real impediment in constituting the Committees and we hope that when the Urban Development Department issued a Resolution on 28th April 2026 it intended that its directions must be followed.

We did not ask the State Government to do some favour as we find that it is under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, Section 20 contemplate constitution of one or more committees consisting of a Chairperson who has been a Civil Judge or a Judicial Magistrate and two other professionals having such experience as may be prescribed for the purpose of deciding the applications received by the Committees under sub-section (2).

The constitution of a Grievance Redressal Mechanism is very much imperative as in the Scheme of the enactment of 2014, a street vendor who has a grievance or dispute, can make an application in writing to the Committee which is authorised to carry out the verification and take such steps for redressal of such grievance within such time and in the manner that is prescribed.

A remedy of appeal is provided against the decision of the Committee to the local authority, who is directed to dispose of the appeal in the manner that is prescribed after affording an opportunity of being heard to the aggrieved person.

Not only this, the State of Maharashtra even formulated the Rules in the year 2016 and it prescribed the manner of making application to the Grievance Redressal and Dispute Resolution Committee and it also set out the constitution of the said Committee in consonance with Section 20 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The Rules prescribed the qualifications and experience for appointment of the members of the said Committee and he necessarily has to be a person within the age limit that is prescribed and possesses a Bachelor's degree. In addition, he must be a person who has experience in local self-Government; an Indian Officer; or he can be an officer not below the rank of Under Secretary to the Government or equivalent, having experience in local authority. In addition, he must be a person of

ability, integrity and standing and have adequate knowledge or experience of, atleast, ten years in Social Work or in dealing with the problems relating to street vendors or of public affairs or of municipal or public administration. What is informed to us on behalf of the State Government through the learned A.G.P is that they are finding it difficult to appoint such a person as member and we are surprised with such an input being provided. As far as the Chairperson is concerned, he has to be person who has been a Civil Judge or a Judicial Magistrate, and we can trust the District Judge in every District to the extent that if at all a request is made for nominating a Judicial Magistrate or a person who was a Civil Judge, with the proper follow up with the District Judge the appointment of the Chairperson can be sorted out.

As far as the member is concerned, with the qualifications being prescribed along with the experience set out in Rule 4 of the Maharashtra Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Maharashtra) Rules, 2016, we fail to understand as is it so difficult to find one such person in each District or that the

State Government is just making excuses for not implementing its own directions as the Urban Development Department has issued a Resolution.

In any case, we find that it is not our job to take up this issue any further and we leave it to the Urban Development Department to take appropriate steps against those who have failed to ensure the compliance of the directives, as set out in the Government Resolution of 28th April 2026 and we leave it to the Principal Secretary (UD-II) to take this aspect ahead as it was the Government's directions to have the Committees constituted but we find the response of the authorities below, on one or other reason to be extremely careless and we do not appreciate such approach. In any case we grant further 30 days time, by way of extension for the Urban Development Department to ensure compliance of its own directives and direct the Principal Secretary, Urban Development Department, to personally file an affidavit before us, ensuring the compliance or else we shall be constrained to observe that, the subordinates of the Urban Development Department do not feel itself bound by the Government

Resolution and then State Government shall take a decision whether it amounts to be a misconduct on part of its own officers. We, therefore, extend the time line for constitution of the Grievance Redressal Mechanism upto **31st August 2026** and expect the affidavit to be filed, as directed above.

As far as the draft of the Scheme is concerned, we are informed that upon it being shared with the counsel for the petitioners, some suggestions are made and according to learned A.G.P. Ms. Prabhune, the suggestions are under active consideration of the State Government.

For the cumulative consideration of both the issues, we direct the petition to be listed on **3rd September 2026**.

MANJUSHA DESHPANDE, J.

BHARATI DANGRE, J.