rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1021 OF 2017

Rambux Vishvanath Singh .. Petitioner

V/S

Mumbai Municipal Corporation & Ors .. Respondents

WITH

WRIT PETITION NO.2692 OF 2018

Prashant Umakant Paralkar .. Petitioner

V/S

State of Maharashtra & Ors .. Respondents

Mr.Prashant Kumar Singh for the Petitioner in WP No.1021/2017.
Ms.Manjiri Parasnis for the Petitioner in WP No.2692/2018.
Mr.Mohit Jadhav, Addl. GP for the State.
Mr.P.P. Chavan a/w Ms.K.H. Mastakar, for the MCGM.

CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ

DATE : 16th JUNE 2026

JUDGMENT (PER BHARATI DANGRE, J) :

1 Two Writs Petitions being filed by the two individuals who were issued the Hawkers and Squatter Licence under Section 313, 313(A) and (B) of the Mumbai Municipal Corporation Act, 1988, are aggrieved by an action of cancellation of the same purportedly under Section 394 of the Act of 1988.

RAJSHREE KISHOR MORE Digitally signed by RAJSHREE KISHOR MORE Date: 2026.06.18 10:46:34 +0530

It is the case of the Petitioners that on the licence being granted they were allowed to run stalls In the area allocated, both the stalls being located at different sites. They were running the stalls from the year 1988 and selling various products of MAFCO. It is also the case of the Petitioners that the Assistant Engineer (Maintenance), G/North Ward also accorded his permission on the Petitioners to install the stalls on the location prescribed and though initially the stalls were in form of a temporary structure, with the permission of the Corporation they were converted into permanent stalls.

For conducting the business, the Petitioners were offered dealership for selling products of MAFCO and they continued to run their business from the said stalls and they also secured registration under the Maharashtra Shops and Establishments Act, 1948.

2 The cause for filing of the Petitions arose when the licences were recalled in the year 2016-2017 on the ground that MAFCO, the Company who had allotted them the dealership had stopped its business activities. This constrained the Petitioners to file representation to all concerned including the Hon'ble Chief Minister for the State as well as the Senior Inspector (Licence Department) making the grievance that in the wake of action to revoke the licence, the Petitioners are deprived of their source of livelihood and the impugned order/communication shall not be given effect to.

Both the Petitions being listed before the Court, the parties were directed to maintain status quo regarding the subject stalls.

3 The Writ Petitions, seeking quashing of the impugned notices setting aside the license issued in their favour, deserve disposal in the wake of the policy decision adopted by the Mumbai Municipal Corporation, when it was confronted with the complaints from the licence holders, complaining that some of the articles for the sale of which the permission/licence was issued are no longer relevant and, therefore requesting for change in the avocation/change in the salable items from the said stalls which were otherwise duly authorized.

The decision of the Corporation, taken by the Municipal Commissioner, as well as the circular issued by the Mumbai Municipal Corporation on 10/01/2019 is placed on record.

From reading of the same, with reference to the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the decision taken in the meeting of the Hawkers Committee, the Corporation has directed that the hawkers are permitted to change the commodities which they were earlier selling from the stalls, in the wake of the hawking licenses allotted to them but for this purpose they shall ensure compliance of the provisions of the said Act of 2014 as well as the Scheme of 2017 implemented by the State of Maharashtra.

The said decisions of the Corporation which are placed on record are marked as X-1 and X-2 respectively.

4 In the wake of the aforesaid , since the Petitioners are still in possession of the respective stalls, in our view, the decision of the Corporation is applicable to them.

We expect the Petitioners to approach the Senior Inspector (Licences) of the respective ward of the MCGM for intimating them about the said change and we expect the approval to be communicated to the Petitioner within a period of four weeks about change in the items which are permitted to be kept for sale in the stalls belonging to the Petitioner, in the wake of the closure of business by MAFCO.

As a result we quash and set aside the impugned communications.

Writ Petitions are made absolute in the aforesaid terms with a direction to the Authorities of the Corporation to take appropriate steps in the wake of the policy adopted by it permitting the change in the commodities to be sold from the stalls allotted to the licensee.

[MANJUSHA DESHPANDE, J.] **[BHARATI DANGRE, J.]**