



REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2026
(@Special Leave Petition (Civil) No. 21349 of 2025)

MALKIT SINGH AND ANR. ... APPELLANT(S)

VERSUS

**STATE OF U.T. CHANDIGARH
AND ORS. ...RESPONDENT(S)**

ORDER

SANJAY KAROL J.,

Leave granted.

PRELUDE

2. To conceive of street vendors as units that can be removed or relocated at the ‘*drop of a hat*’ would be an incorrect use of power, either judicial or administrative. They are not solely economic units; they are people trying to earn an honest living in cities that often offer them few, if any, alternatives. For many, street vending is not a choice but a necessity that allows them to support their families, educate children, and survive in an increasingly expensive urban environment.

The Constitution of India, through Article 19(1)(g), guarantees every citizen the right to practise any profession or to carry on any occupation, trade, or business. Street vending falls squarely within this protection. At the same time, this right is not absolute. Article 19(6) permits the State to impose reasonable restrictions in the interests of the general public. This balance between individual freedom and collective welfare lies at the heart of the constitutional scheme.

3. Problems arise when this balance is lost. Unregulated street vending can spill into residential neighbourhoods, footpaths, and roads, making everyday life harder for others. They should be able to walk safely on pavements, access their homes without obstruction, and enjoy public spaces without permanent encroachments. Public land being occupied

indefinitely, without oversight, creates a sense of unfairness and fuels conflict. Recognising the right of vendors under Article 19 to carry out their trade cannot be equated to a right to set up shops anywhere and then claim ownership over that public space. If such a situation is countenanced both the rule of law and urban planning policies would go '*out the window*'. The Constitution does not permit placing one group's rights over others; instead, it mandates that the State should mediate competing interests.

4. Mediating competing interests requires a constitutional approach which takes the form of regulation of rights rather than blanket restrictions or indiscriminate eviction. Processes to be adopted in such an approach include clearly identified vending zones, transparent licensing processes, and regular consultations with vendor groups and resident welfare associations. Taking the diametrically opposite approach of heavy-handed crackdowns, removal without warning or using heavy machineries to remove semi-permanent structures is in a way, destruction of livelihoods offensive to the spirit of dignity under Article 21. Ultimately, the task is balancing competing rights of street vendors and other residents, and it is not asking the question whether street vendors belong in cities, since they clearly do.

THE APPEAL

5. This appeal is directed against a judgment and order dated 23rd May 2025, passed in CWP No. 10327 of 2022, passed by the High Court of Punjab and Haryana at Chandigarh. The instant appellant had filed the writ petition in his capacity as the President of the Manimajara Vyaapar Mandal seeking, essentially, the

“removal of encroachments on public paths, roads and public property made by fruit vendors, rehri vendors, hawkers, squatters and other vendors which are creating nuisance, traffic hazards, hinderances in free use of paths...”

6. The High Court dismissed the petition, imposing cost on the associations represented by the instant appellant to the tune of Rs. 50,000 each.

“ 17. Before we close the case, we are of the firm view that the street vendors and their families, who are depositing fee with the Municipal Corporation for the certificate being given to them for vending, also need to provided some social protection. The amount so recovered by the Municipal Corporation should, therefore, be used for their benefits alone and should be kept in a separate budget head, and as a suitable insurance for them, including medical facilities, should be provided by the Municipal Corporation, U.T. Chandigarh, and Rules in this regard should be framed.

18. At the same time, this Court also notices that the Street Vending Act and the benefits which it meant to give to the genuine street vendors is also being misused by a certain set of persons, and even

the shopkeepers themselves setup hawkers' stall in front of their shops selling their own items, At the same time, a certain group of people use wrongful means to get their name entered in the survey registers and illegally get sites registered for hawkers purposely. Such misuse of law deserves to be dealt with by an iron hand a will to execute the provisions of law with integrity and dutifully.”

As such, the appeal is before us.

RELEVANT PROVISIONS AND JUDICIAL PRONOUNCEMENTS

7. At the outset we must take note of the provisions of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014¹. This is a comprehensive legislation dealing with street vendors, their regulation, rights and obligations, dispute resolution, the constitution of the town vending committee, penal provisions and prevention of harassment etc. The relevant Sections thereof are reproduced below for ready reference:

“2(d) “mobile vendors” means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;

...

...

...

2(l) “street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary

¹ SVA

built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly;

...

2(n) “vending zone” means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.

12. Rights of street vendors.—(1) Every street vendor shall have the right to carry on the business of street vending activities in accordance with the terms and conditions mentioned in the certificate of vending. (2) Notwithstanding anything contained in sub-section (1), where any area or space, as the case may be, has been earmarked as no-vending zone, no street vendor shall carry out any vending activities in that zone.

14. Duty of street vendors.—Where a street vendor occupies space on a time sharing basis, he shall remove his goods and wares every day at the end of the time-sharing period allowed to him.

17. Payment of maintenance charges.—Every street vendor shall pay such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the local authority.

21. Plan for street vending.—(1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule. (2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before

notifying the plan, determine the norms applicable to the street vendors.

27. Prevention of harassment by police and other authorities.—Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising p

28. Penalty for contraventions.—If any street vendor—
(a) indulges in vending activities without a certificate of vending;
(b) contravenes the terms of certificate of vending; or
(c) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, he shall be liable to a penalty for each such offence which may extend up to rupees two thousand as may be determined by the local authority.

33. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything in consistent there in contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

8. Section 37 of SVA grants the power to local authorities to make byelaws in furtherance of the objectives of the Act. The respondent accordingly notified byelaws termed The Street Vendors (Protection of Livelihood and Regulation of - Street Vending) Municipal Corporation, Chandigarh Bye Laws 2018² for the Municipal Corporation, Chandigarh. Since the present appeal pertains to the actions taken by the respondent and with

² bye-laws

the same needing to be in conformity with these byelaws, relevant provisions are as follows:

2(d) ‘Essential Service Providers means those street vendors who are providing essential services within the vicinity e.g. cobbler, milk/bread egg seller, tea vendor, cycle/ rickshaw repairer, dhobi (ironing), barber, Tandoor, Chole Bhature, Kulche Chhole and Parantha, fruits and vegetables and the florists sitting outside the religious places like Mandir and Gurudwara³;

2(r) “Public Purpose” includes in the context of the Act (i) widening of streets, lanes (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down reads: (iv) erecting of underpasses, (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services: (viii) any project related with public transport like BRTS, metro etc; (ix) erection of economically weaker section (EWS) housing; (x) creation, of parks, gardens and recreational area; (xi) conservation of any eco system resource in that area and (xii) any other development work taken by the local authority, the beneficiary of which will be the community at last.

2(z) “Vending Zone” means an area or a place or a location designated as such by the local authority, on the recommendation of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to general public.

2(ac) “License” means Certificate of Vending;

4. A Registered Street Vendor, for any of these vending zones, shall not.- (a) obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety:

³ as amended in 2020

- (b) obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- (c) obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installation;
- (d) obstruct or interfere with any other structure, signboards, display units, city work or operations, on or adjacent to the street;
- (e) sell any prohibited goods /pirated or services or merchandise etc as per rules, regulations and notifications issued by any statutory authority from time to time;
- (f) occupy more space than allotted by Municipal Corporation Chandigarh; TVC;
- (g) sell goods or service or merchandise between 6 A.M.- 10 A.M. as specified by the
- (h) dispose garbage in an un-segregated manner and in any place other than specific place, which is identified by the local authority;
- (i) sell their goods or services or merchandise after expiry of the license;
- (j) use loud speakers, megaphones, sound system or any other amplification equipment;
- (k) allow any person other than family to vend from his vending place or sublet the place, allotted by local authority;
- (l) use any unauthorized and prohibited mechanism for energy requirement in public place, crowded area for cooking and heating purposes example open tandoor and domestic LPG;
- (m) construct any permanent or temporary structures on allotted space;
- (n) use banned polythene bags of any kind.

5. Responsibility of registered Street Vendors. A Registered Street Vendor, for any of these vending zones, shall-

- (a) do vending on the place as specified in the vending certificate by him/herself;
- (b) comply with all conditions specified in the certificate;
- (c) prominently display the ID card and certificate of vending at all times;
- (d) ensure that he/she whose name has been mentioned including immediate family member in the vending

- certificate remains present at the vending place during vending hours;
- (e) keep the vending place clean and in good conditions all times;
 - (f) comply with all the safety and sanitary requirements of local authority;
 - (g) comply with all the requirements of the Food Adulteration Act or any other act as applicable;
 - (h) produce the certificate of vending when demanded by the government authorities including Municipal Corporation, Chandigarh, Chandigarh Police and Traffic Police:
 - (i) follow all the requirements of this bye-laws and conditions mentioned in the vending certificate.
 - (j) clear and remove goods, wares and articles everyday at the end of vending hours from the site, no storage at vending site is permitted in any manner;
 - (k) use recommended fire safety devices/equipment's in case of registered food street vendors for heating purposes by using commercial LPG (less than 5 Kg. Cylinder) connections and also in case of other vendors selling combustible products;
 - (l) use tandoor only in case of community tandoor set up in residential area with arrangements of fire safety equipment's and away from residential building (private and government both);
 - (m) abide by all the rules, notifications and regulations issued by any statutory authorities from time to time.”

Clause 8 of these byelaws postulates the penalty which is to be paid by the registered street vendor for violation of the provisions of the byelaws or SVA itself. The *first three* violations entail a monetary penalty, *fourth* results in suspension of the license for three months, *fifth* leads to cancellation. If a person carries out unauthorised vending, the fine given is Rs 10,000.

9. At this stage, it would be apposite to consider various pronouncements dealing with street vendors, hawkers and other

allied issues. This question has engaged judicial attention repeatedly, right from *Olga Tellis v. Bombay Municipal Corpn.*⁴ to *S. Rajaseekaran v. Union of India*⁵. Some of the pronouncements are discussed below:

9.1 In *Olga Tellis* (supra), the Constitution Bench held in the context of the Bombay Municipal Corporation Act, that no person has a right to encroach on footpaths or pavements by erecting a structure or otherwise since they are reserved for a public purpose.

9.2 In *Sodan Singh v. New Delhi Municipal Committee*⁶, the Constitution Bench, observed that no person can claim a right to hawk or squat at a particular place on a permanent basis. Kuldip Singh J., in the same judgment held that hawking or street vending was a profession/trade protected under Article 19(1)(g) and would therefore necessarily be subject to Article 19(6).

9.3 In *Ahmedabad Municipal Corpn. v. Nawab Khan Gulab Khan*⁷, a co-ordinate Bench discussed the duties owed by a Municipal Corporation towards its citizens, while recognising twenty years ago that rural-urban migration is a reality that has to be contended

⁴ (1985) 3 SCC 545

⁵ (2026) 2 SCC 207

⁶ (1989) 4 SCC 155

⁷ (1997) 11 SCC 121

with and that encroachment ‘*undoubtedly obstructs and upsets planned development, ecology and sanitation. Public property needs to be preserved and protected.*’. *Inter-alia* they are responsible for **(a)** prevent encroachment on pavements and footpaths; **(b)** provide free flow of traffic both vehicular and pedestrian; and **(c)** taking steps to remove encroachments as soon as they are noticed.

9.4 In *Sudhir Madan v. MCD*⁸ this Court recognised that hawkers however large in number cannot compromise the rights of other citizens. The administration of the area has to provide them with the opportunity to earn their livelihood in a way that is consistent with the rights vested in other citizens.

9.5 In *Gainda Ram v. MCD*⁹, it was held with reference to the earlier decision in *Saudan Singh v. NDMC*¹⁰ that when the Court is concerned with a matter dealing with the livelihood of large number of families, it should adopt a compassionate approach so as to ensure that the parties who were in that case hawkers/squatters, are not denied ‘*their daily bread at the altar of technicalities*’.

⁸ (2009) 17 SCC 332

⁹ (2010) 10 SCC 715

¹⁰ (1992) 2 SCC 458

9.6 In *Maharashtra Ekta Hawkers Union v. Municipal Corpn., Greater Mumbai*¹¹, this Court shed light on the fact that street vendors/hawkers do not always receive the best or even acceptable treatment from the authorities of the State despite the important role they play in the ordinary lives of the ordinary citizens and everyday city economy. It was acknowledged that this Court has through various decisions struggled to find “*workable solution*”, balancing the competing rights alluded to above.

CONSIDERATION

10. This Court issued notice and granted a stay on the operation of the impugned judgment on 4th August 2025. By Order dated 19th November 2025, the Commissioner, Municipal Corporation, Chandigarh, was asked to file their personal affidavit in response to the grievance raised by the appellant. Mr. Amit Kumar, holder of the said position, filed his affidavit on 3rd December 2025. We have perused the said affidavit. It records that a certain number of challans have been issued and certain unauthorised vendors have been removed from the area. To be precise, a total of 1024 challans stood issued between 1st August and 30th November

¹¹ (2014) 1 SCC 490

2025. It is also submitted that all illegal street vendors have been removed and only those who possessed the license and are in the category of essential service providers or mobile vendors have been permitted. Still further, it is submitted that officers of the Enforcement Wing shall be continually deployed in the area to ensure no encroachment takes place in the area

11. While the efforts carried out thus far have apparently borne results and are therefore appreciable, it is a matter of concern for us whether all relevant efforts have been made to regularize such hitherto illegal vendors, including those who are not before us, by granting them space in designated vending zones so as to ensure minimum disruption to their livelihood in the long term. Any action by the State that disrupts this livelihood must therefore be carried out with care, fairness, and a clear sense of responsibility.

If vending zones have already been identified and designated, it is not enough for the authorities to simply point to their existence. Removing vendors from familiar locations, even for legitimate public reasons such as easing congestion or improving urban order, creates an immediate need for support. Vending zones are meant to provide a lawful and workable alternative, and that purpose is lost if displaced vendors are left uncertain, uninformed, or unable to access these spaces in practice. Let the State clearly clarify the existing information

available at the defined vending zones which in any event have to be acceptable to all concerned.

12. This kind of assistance is not an act of generosity. It reflects a basic respect for the right to earn a living and to carry on a lawful occupation. When vendors are removed without any real help in relocating, the hardship caused is out of proportion to the regulatory goal, and such an exercise risks becoming punitive rather than orderly.

In essence, if vendors are displaced through encroachment drives and lawful vending zones are available, the State has a duty to actively support their transition to these zones in accordance with the law. Doing so upholds both the spirit of regulation and the human reality of those whose lives depend on street vending.

13. It is also to be recognized that forcible shifting or removal of encroachments, while it may be entirely in accordance with law, disrupts the customer base that comes with the shop being located at a particular area. The State is required to undertake efforts to let residents know that the shops have been shifted, i.e., have awareness drives that would divert the customers to the designated area. Let an affidavit be filed with the relevant details, within two weeks of this order.

14. Let the respondent(s) file an affidavit also indicating the number of applications filed and the current status in terms of our

order dated 17th December 2025, insofar as the status of the cases pending before the High Court, as also the Grievance Redressal Committee.

15. Let the matter appear in the list on 27th April 2026 for further consideration and passing of orders on the affidavits filed in compliance of this Order.

.....**J.**
(SANJAY KAROL)

.....**J.**
(NONGMEIKAPAM KOTISWAR SINGH)

**New Delhi,
April 9, 2026**