



**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - C No. - 9096 of 2025**

Amar Kumar Sonkar and 4 others

.....Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Nagar Vikas Lko. and 5 others

.....Respondent(s)

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Counsel for Petitioner(s) : Shashi Saurabh Tiwari,  
Counsel for Respondent(s) : C.S.C., Namit Sharma, Shailendra  
Singh Chauhan

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**Court No. - 1**

**HON'BLE RAJAN ROY, J.  
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

**1.** Heard learned counsel for the petitioners as well as Shri Sanjay Bhasin, learned Senior Advocate, assisted by Shri Akhilesh Kumar Srivastava, learned counsel, who has filed his 'vakalatnama' on behalf of the opposite party no.3 to 5, which is taken on record and learned counsel appearing for the State respondent(s).

**2.** By means of this writ petition, the petitioners have prayed for the following main relief(s) :-

*"(i). to issue a writ, order or direction in the nature of mandamus commanding the opposite parties not to evict or relocate the petitioners until the provisions of Section 3(3) of The Street Vendors (Protection of Livelihood And Regulation Of Street Vending) Act, 2014, are complied with in letter and spirit, by the Opposite Parties.*

(ii). to issue a writ, order or direction in the nature of certiorari to quash the list of vending and no vending zone dated 13.09.2019 which has been notified by the town vending committee without formulation of vending plan as required under section 21 of the Street Vendors Act 2014.

(iii). to issue a writ order or direction in the nature of mandamus commanding the opposite parties particularly the opposite party no. 3 and 4 to formulate the vending plan as required under Section 21 of the "Street Vendors Act, 2014".

(iv). to issue a writ order or direction in the nature of mandamus directing the opposite parties to follow the advise given by Hon'ble the Parliamentary Standing Committee under its letter dated 22.02.2022 as well as letter dated 17.5.2022 issued by the opposite party No. 2."

**3.** On 12.01.2026 we had passed the following order:-

*"Heard*

*We have perused our earlier orders. In para 12 of the affidavit filed in response to earlier orders, bald assertion has been made that vending plan has been formed by the Nagar Nigam, Lucknow.*

*Let a responsible officer of Nagar Nigam, Lucknow appear before this Court along with relevant records pertaining to the vending plan relating to Aminabad and satisfy the Court that the plan has been prepared as per Rule 21 read with First Schedule of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (in short 'the Act, 2014'). The approval of such plan by the Government as also the norms applicable to the street vendors as determined by the State Government in terms of sub-Section (2) of Section 21 of the Act, 2014, shall also be placed before the Court.*

*List this case on 29.01.2026."*

**4.** Today Shri Sanjay Bhasin, learned Senior Advocate, assisted by Shri Akhilesh Srivastava is present for the Nagar

Nigam. On being asked, he fairly informed that there is a vending plan but not approved by the State Government.

**5.** We are of the opinion that in the absence of approval virtually there is no vending plan in the eyes of law. This is on account of the provisions contained in Section 21 read with First Schedule of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereinafter referred to as "the Act, 2014").

Section 21 of the Act, 2014, which is relevant, is read as under:-

**"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."*

The First Schedule referable to Section 21 aforesaid appended to the Act, 2014 pertaining to plan for street vending, reads as under:-

#### **PLAN FOR STREET VENDING**

(1) The plan for street vending shall,—

*(a) ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent. of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;*

*(b) ensure the right of commuters to move freely and use the roads without any impediment;*

*(c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;*

*(d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;*

*(e) promote convenient, efficient and cost effective distribution of goods and provision of services;*

*(f) such other matters as may be specified in the scheme to give effect to the plan for street vending.*

(2) The plan for street vending shall contain all of the following matters, namely:—

*(a) determination of spatial planning norms for street vending;*

*(b) earmarking of space or area for vending zones;*

*(c) determination of vending zones as restriction-free-vending zones, restricted vending zones and no-vending zones;*

*(d) making of spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be necessary;*

*(e) consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.*

(3) Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—

*(a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;*

*(b) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;*

*(c) overcrowding of any place shall not be a basis for declaring any area as a no-vending zone provided that restrictions may be placed on issuing certificate of vending in such areas to persons not identified as street vendors in the survey;*

*(d) sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic action by the local authority;*

***(e) till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone."***

It is Clause (3)(e) of the First Schedule, which says that till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.

**6.** We direct the Nagar Nigam to prepare the vending plan as envisaged in the Act, 2014.

**7.** Section 3 of the Act, 2014 reads as under:-

**"3. Survey of street vendors and protection from eviction or relocation.**—(1) *The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.*

*(2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent. of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.*

*(3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors."*

On a bare reading of Section 3 of the Act, 2014, it is evident that the Town Vending Committee was required to conduct a survey of all existing street vendors within the area under its jurisdiction within such period and in such manner, as may be

specified in the Scheme i.e. the Scheme referred under Section 38 of the Act, 2014.

Sub-Section 2 of Section 3 of the Act, 2014 provides that, the Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half percent of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones. Sub-Section 3 of Section 3 of the Act, 2014 provides that, No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors. Now this should be read conjointly with Clause 3(e) of the First Schedule. Section 4 of the Act, 2014 speaks issuance of certificate of vending.

**8.** According to the petitioner's counsel, though a survey was conducted and the petitioner was registered. In this regard, he invites our attention to the documents annexed with the writ petition from Page Nos. 22 to 42, but no license or certificate was issued, as was required. In fact, now it comes out that no such exercise as envisaged in Section 3 read with Section 21 of the First Schedule of the Act, 2014, Section 38 of the Act, 2014 and the Second Schedule has been completed.

**9. Section 38 of the Act, 2014 reads as under:-**

**"38. Scheme for street vendors.—(1)** For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or any of the matters provided in the Second Schedule.

*(2) A summary of the scheme notified by the appropriate Government under sub-section (1) shall be published by the local authority in at least two local newspapers in such manner as may be prescribed."*

According to it, within six months from the date of commencement of the Act, 2014, the appropriate Government was required to frame a scheme, after due consultations with the local authority and the Town Vending Committee, which was required to specify all or any of the matters provided in the Second Schedule and a summary of the scheme notified by the appropriate Government under sub-Section (1) of Section 38 of the Act, 2014 was to be published by the local authority in at least two local newspapers in such manner as may be prescribed. No such exercise has been completed, as there is no approval of the State Government with regard to the aforesaid Scheme or Plan whatever it may be, as is envisaged in the Act, 2014.

Sub-Section (3) of Section 3 of the Act, 2014 provides protection to the existing street vendor to the effect- 'no street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section(1) has been completed and the certificate of vending is issued to all street vendors.' The plan and scheme itself not being approved by the Government, the certificates are not being issued, as yet. In the meantime, petitioner alleges that he has been evicted.

**10.** In response, Shri Bhasin says that petitioners were evicted because they were obstructing free-flow of traffic, however, we do not find any such notice having been given to the petitioner. The affidavit of the opposite parties accepts the fact that receipts have been issued to the petitioners for registration as street vendor.

**11.** The opposite parties have not acted in terms of the Act, 2014. They have not performed the statutory obligations. They shall do it now.

**12.** As regards, the petitioners and other similarly situated, we provide that any existing vendor shall be dealt with only in terms of the provisions of the Act, 2014 and the protection available in sub-section (3) of Section 3 of the Act, 2014 would be extended to them subject to the condition that if they are obstructing free-flow of traffic, then, such vendors can be evicted.

**13.** Let the aforesaid exercise be completed, at the earliest. Eleven years have passed but the Act of 2014 has not been complied by the opposite parties.

**14. List this case after three months amongst top 10 cases of the day.**

**15.** If the aforesaid exercise is not completed, then, the Zonal Officer, who is present, need not appear again unless called for.

**(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)**

**January 29, 2026**

Praveen