

Court stays BMC's move to remove hawkers from CST, Churchgate subways

BMC had issued eviction notices in May to 20 hawkers at the Churchgate subway, and another 46 at the CST



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The BMC wants these shops at the Churchgate station subway (above) cleared to put an end to overcrowding, and also to set up public amenities

hawkers at the Churchgate subway, a high court division bench of Justices SS Kemkar and MS Karnik granted relief to 13 of the 20 hawkers at Churchgate, and all 46 hawkers at the CST subway. The bench also asked the BMC to file a reply by August 22, and directed it to not act on the notices issued to the hawkers.

Following a request by the BMC, the court clarified that the relief would cover only those hawkers at Churchgate who had approached the HC (13 out of 20), after which a BMC official said the civic body will go ahead with action against the remaining seven hawkers today.

A common ground raised in both petitions was the BMC had refused to hear the hawkers' version. Petitioners from the Churchgate

was getting overcrowded because of the shops, and that the civic body wanted to use the space to set up information kiosks and video walls.

The petition, in turn, said the shops were allotted back in 1992-92, with a "clear intention of long-term allotment" as the agreements specified rent for the first 10 years as one block, extendable in five-year blocks thereafter.

"BMC earns more than Rs 70 lakh annually from these shops, but it has failed to provide facilities to the owners, such as CCTV cameras despite several requests," the petition said.

The hawkers have also said that the subway gets crowded because of the illegal hawkers against whom BMC does not take any action.

subway comprise mostly those who have been authorised to run these shops by the owners. They have said the BMC was aware that they have been authorised to operate the shops as a tripartite agreement signed in 2000.

The petition, argued by lawyers Vivek Kantawala and Ajit Makhijani, said that ignoring the hawkers' repeated pleas for a hearing, the BMC approached the Marine Drive Police Station to help evict the hawkers.

Senior Advocate Anil Sakhare, appearing for BMC, sought time to file a reply and refused to make a statement, instead asking the court to pass an order.

The BMC notice issued to the Churchgate hawkers said the subway

The Bombay High Court has granted a stay on the BMC's move to vacate hawkers from the subways at Churchgate and CST. The action against the Churchgate and the CST subway hawkers was scheduled for today (August 9).

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The BMC had served eviction notices to the hawkers in May, asking them to vacate the premises within a month. The move was aimed at making subways pedestrian-friendly, and received support from several citizens.

On Monday, while hearing a bunch of petitions filed by the