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08.02.2021
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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. No. 3986 of 2020
(Via Video Conference)

Sahidul Islam Mandal & Ors.
-Vs.-
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharya,
Mr. Md. Sabir Ahmed,
Mr. Ali Ahsan Alamgir,
Mr. S. Sarkar
...for the petitioners

Mr. M.M. Verma,
Mr. Amal Kumar Datta
...for the respondent nos. 1 to 6

The petitioners are vendors in a local market in a border area of the District of North-24 Parganas. Learned counsel for the petitioners submits that the respondent-authorities, upon shifting of the nearby check-post, have been restricting the transaction of goods from the wholesale market to a limit between Rs.2,000/- to Rs.4,000/- per week. It is submitted that although reasonable restriction can be imposed by the respondent-authorities, the fixation of an upper limit of Rs.4,000/- is squarely detrimental to the nature of business of the petitioners, since it would be impractical to purchase goods within that amount from the wholesale market and

would frustrate the livelihood of the petitioners, which is guaranteed under Article 19 of the Constitution of India.

It appears from the tenor of the contentions and the materials-on-record that it was within the authority of the respondents to impose reasonable restrictions on trade in the border area, particularly in the close vicinity of a check-post to avoid illegal smuggling. It is not for the Court to interdict the administrative decision, which is impugned herein, merely because, in the opinion of the Court, the restrictions may be too strict, since the said restrictions are not grossly arbitrary or patently unreasonable.

It is within the domain of the administration to decide, keeping in view security of the citizens and curbing illegal smuggling, as to what would be a good amount for the purpose of permitting transactions within the span of a week. As such, there is no scope for interference in the matter.

Accordingly, W.P.A. No. 3986 of 2020 is dismissed.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)