

OD-4

ORDER SHEET  
WPO No. 3054 of 2022  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

MD. ALI AZAD  
Versus  
THE STATE OF WEST BENGAL & ORS.

BEFORE:  
The Hon'ble JUSTICE AMRITA SINHA  
Date:12<sup>th</sup> December, 2022.

Appearance:  
*Mr. Partha Pratim Roy, Adv.*  
*Mr. D. Banerjee, Adv.*  
*..for Petitioner.*

*Mr. S. Nayek, Adv.*  
*Mr. S. Sikdar, Adv.*  
*...for KMC.*

*Mr. Milan Kr. Maity, Adv.*  
*...for State.*

The Court:-The petitioner alleges that the egress and ingress to his apartment is being blocked in view of the food stall situated at the main road of the connector between Ghore Bibi Lane and Narkeldanga Main Road, Ward No.31, Borough-III of the Kolkata Municipal Corporation.

Admittedly, the said food stall is running for quite some time. It has been submitted that presently the food stall has grown in proportion and has encroached the road for which it becomes difficult for the vehicles in the turning point.

The petitioner made representation before the Kolkata Municipal Corporation and Officer-in-Charge, Phoolbagan Police Station in October,

2022 and alleges that there has been no response from the end of the respondents.

Learned advocate appearing on behalf of the Kolkata Municipal Corporation admits that the food stall is running for a considerable period of time.

It has been submitted that encroachment of footpath by stalls is a menace in the city and steps at the high level are required to be taken to deal with the issue.

As it appears that the representation of the petitioner is pending consideration at the end of the Municipal Commissioner, Kolkata Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the Municipal Commissioner, Kolkata Municipal Corporation, being the respondent no.3 herein, to take a decision with regard to the objection filed by the petitioner praying for removal of the said stalls in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the parties.

The learned advocate for the petitioner is directed to forward a copy of the representation dated 12<sup>th</sup> October, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Let instruction provided by the Kolkata Municipal Corporation to the learned advocate and the report filed by the Officer-in-Charge, Phoolbagan Police Station be retained with the records.

Affidavit of service filed in Court today is taken on record.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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