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Ct
No24
AGM

04.07
2023

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 7512 of 2023

**Anusua Dutta & Anr.
Vs
The State of West Bengal & Ors.**

**Ms. Megha Datta
Mr. Neel Chakraborty**

... for the Petitioners.

**Mr. Anand Farmania
Ms. Indu Mouli Banerjee**

... For the State.

**Mr. Gurudas Mitra
Mr. Sabnam De
Ms. Sabnam Sultana**

... For the KMC.

Affidavit-of-service filed today in Court be kept with the records.

Leave is granted to the learned advocate-on-record of the petitioner to implead the Executive Engineer, Solid Waste Management Department, KMC as party respondent in the present writ petition.

The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate for the Corporation has already entered appearance and obtained instruction from the Assistant Director, Solid Waste Management, Borough-I, KMC signed on 6th April, 2023.

Allegation of the petitioners is that the private respondent has encroached the public footpath in front of her stall and has constructed an illegal shed which is being used for repairing of motorcycles. The shed is being run without obtaining any permission

from the Corporation. No trade license, fire license or consent from the Pollution Control Board has been obtained for the purpose of running the said illegal shed. Series of complaints was lodged before the respondent authorities but there is no response.

The petitioners are running a business after obtaining trade license from the Corporation. Prayer has been made for passing necessary directions upon the KMC for removal of unauthorised shed.

The inspection report of the KMC mentions that the footpath in front of the outlet of the petitioners has existence of a nominal iron frame structure, which does not have a permanent cover and at the time of inspection, no repairing work was going on.

None represents the private respondent.

The Corporation ought to ensure that the public footpath is left clean and unobstructed for the use of the pedestrians. Any structure constructed over the footpath may cause obstruction in the free movement of the general public.

Accordingly, the concerned Executive Engineer, Solid Waste Management is directed to take necessary steps for removal of any unauthorised construction on the public footpath in front of the petitioners' stall.

Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)