

**24.04.2023**

Item No.5

Ct. No.1

PG/KS

**W.P.A.(P) 165 of 2023**

**Berhampore Cloth Merchant Welfare  
Association & Anr.**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Srijib Chakraborty

Mr. Anirban Das

Ms. Rumeli Sarkar

Mr. Priyanka Kundu

.....For the Petitioners

Mr. Jahar Lal De

Mr. Shamim Ul Bari

.....For the State

1. This writ petition styled as a public interest litigation has been filed by an association called Berhampore Cloth Merchant Welfare Association, which is stated to be affiliated to F.T.O., West Bengal and Murshidabad District Chamber of Commerce. The petitioners/ association challenges a notice issued by the District Magistrate regulating the traffic in the particular area and accepting the request made by the Superintendent of Police, Murshidabad vide Memo dated 31<sup>st</sup> August, 2022, to maintain free flow of traffic and one way traffic system on specified time.

2. The petitioners place reliance on Section 4 of the West Bengal Traffic Regulation Act, 1965 and submits that in terms of the proviso, such an order cannot remain in force for a period not exceeding two months, as may be specified in the order unless before the expiry of such period, it is approved by the State Government.
3. In our considered view, the reliefs sought for in the writ petition cannot be granted for more than one reasons. Firstly, it is up to the Superintendent of Police and the District Magistrate to take note of the local situation and make necessary arrangements for the smooth flow of the traffic. Therefore, at the instance of a cloth merchant association, this Court cannot interfere with the order passed by the District Magistrate or for that matter, the recommendations made by the Superintendent of Police.
4. Therefore, we find no ground to entertain this writ petition and accordingly, the same is dismissed.
5. There shall be no order as to costs.

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

**(T. S. SIVAGNANAM)**  
**ACTING CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**