

11 24.07.2023
NB Ct. 14

WPA 15324 of 2023

Sipra Sinha & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Barnali Saha,
Mr. Sankha Subhra Mukherjee.
...for the petitioners.

Mr. Wasim Ahmed,
Sk. Md. Masud.
....for the State.

Mr. Dilip Kumar Samanta,
Ms. Debapriya Samanta.
...for the respondent nos.6 to 10.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to restrain the private respondents from harassing the petitioners and their family members.

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of two cars. Because of their family requirement, they park their cars immediately outside their respective residences. The local residents have been harassing and putting pressure on the petitioners to remove the cars. The police has acted in a league with the said private respondents.

Learned counsel appearing on behalf the respondent no.6 to 10 submits as follows. There was a narrow passage in the area in which the petitioners are parked their cars. In case

of emergency, for instance, the requirement of a fire engine or an ambulance to pass, one would have to take special effort to remove such cars. In any event, the petitioners did not have a right to permanently park their cars on the municipal road.

Learned counsel appearing on behalf of the State submits as follows. The petitioners did not have any right to park their cars on municipal road. The municipal authorities and the police authorities are to take proper steps in this regard.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

Apparently, the petitioners are permanently parking their cars on a narrow municipal road. In case of emergency like a fire or a medical requirement, passage of fire engine or ambulance could be a serious issue.

It does not appear that the petitioners have been able to make out a case for preventing the police or other authorities from dealing with the issue of parking their cars on the municipal roads in accordance with law.

Accordingly, I do not find any merit in this application.

The writ petition, is accordingly, dismissed without costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

