

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 15869 of 2023

Ramanand Prasad & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Amlan Kumar Mukherjee
...for the petitioners

Mr. Anirban Roy,
Mr. T.M. Siddiqui,
Mr. Tanoy Chakraborty
...for the State-respondents

Ms. Sutapa Sanyal
...for the respondent no. 5

Learned counsel appearing for the petitioners submits that the petitioners were vendors in the Sheoraphuli market, which was intended, by a notification by the State, to be shifted elsewhere. However, when the petitioners applied for being allocated godowns in the new market site, those are not being considered by the respondent-authorities.

Learned counsel appearing for the respondent no. 5 submits that upon such shifting, the appropriate tender required for the purpose of allotting spaces to the vendors, will be floated. However, at the present stage, the new market is still under construction. A printout of a web photograph as well as a work order in that regard

are handed over by learned counsel for the respondent no. 5 in court.

It transpires from the said documents that the new site of the market is still under construction and, as such, it would be premature now to direct the respondent-authorities to allot any space to the petitioners or any other vendors. It is for the respondent authorities to consider as to whether any prior right of allocation will be given to the vendors who were operating from the original Sheoraphuli market. However, since it is premature at this juncture to pass any direction with regard to the representations of the petitioners, no relief can be granted in the present writ petition.

Accordingly, W.P.A. No. 15869 of 2023 is disposed of expressing the hope that the respondent-authorities shall complete the construction of the new market expeditiously and take all expeditious steps for floating tender for the purpose of allotting the shop rooms/godowns therein.

It will be open to the respondent-authorities to decide as to whether any prior right can be offered in such tender to the vendors who were legally operating their shops/stalls in the erstwhile Sheoraphuli market.

Since no affidavits have been directed, it is deemed that none of the allegations made in the writ petition are admitted by the respondent-authorities.

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.)