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15.09.2023
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Ct 14

WPA 18607 of 2023

Chinmoy Roy
-vs-
State of West Bengal & ors.

Mr. Bikramjit Dutta
...for the petitioner
Mr. Dilip Kumar Samanta
Mr. Debopriya Samanta
...for the respondent nos. 5 & 6
Mr. Sk. Md. Galib
Mr. Abu Siddique Mallik
...for the State

Mr. Arijit Dey
...for the Baranagar Municipality

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

Further report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's daughter contested the municipal election on behalf of the opposition political party. Since then the local Administration is unnecessary harassing the petitioner and taking exceptionally harsh steps regarding regulating parking of cars. The petitioner parks his car at the dead end of a road. The local Administration along with the police authorities came and put up an order that no such vehicle should be parked on the road. However, there are several other cars and vehicles

which always remain parked on similar roads.

Learned counsel appearing on behalf of the Municipal Authorities relies on the report filed earlier and submits as follows. It appears that the car owner is parking his car on the municipal road. As a result, the local people are facing difficulty to walk smoothly and clean of drainage by municipal workers.

Learned counsel appearing on behalf of the private respondent nos. 5 and 6 submits as follows. The allegations in the writ petition are denied. There is a narrow road in front of the house in question. Even if a fire engine or an ambulance is required to pass, it would have difficult if a car is parked on such road.

Learned counsel for the State relies on the report and submits as follows. The parking on the car in question on the municipal road is causing hindrance to others. Earlier this Court had passed a direction in respect of a similar road in the same locality asking the petitioner not to park their cars on municipal road except in accordance with law.

It appears that the petitioner has been parking his car on a road which was not too wide.

Both the State and the Municipal Authorities are objecting to the same and submitting that such parking of cars would hamper the smooth passage for pedestrians, cleaning of drainage by municipal workers and even movement of fire engine or ambulance, if required.

So far as the notice put on the road regarding not

parking of cars is concerned, if the same is not put up by either the State or the Municipal Authorities, the same should be removed by the concerned authorities.

However, the petitioners have not been able to make out a case that they have a right to park the car on the municipal road.

Let them not park the car there for an inordinately long time or over night.

The Municipal Authority shall deal with all vehicles part on the road in similar fashion.

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

Accordingly, the same is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)