

ML 27
07.08.2023
CT No. 15
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W.P.A. 18422 of 2018
IA No. CAN 1/2019 (Old No. CAN 5297/2019)

Shankar Das & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Debashis Banerjee
Mr. Rakesh Jana
....for the Petitioner

Mr. Sandipan Banerjee
Mr. Sovan Majumder
...for the Durgapur Municipal Corporation

Mr. Sayantan Bose
...for the respondent nos. 5 & 6

Mr. Avijit Sarkar
Mr. Supriya Majumder
...for the State

Thirteen writ petitioners claiming to be hawkers approach this Court with the present writ petition and apprehending eviction by the respondent authorities. The writ petition was heard by the coordinate Bench first on 10th October, 2018 thereby restraining the Asansol Durgapur Development Authority being the respondent nos. 5 and 6 from evicting the petitioners being hawkers. Subsequently, the coordinate Bench on 16th November, 2018 directed the concerned District Magistrate to submit a report disclosing whether the petitioners are hawkers or not upon following particular exercise as directed by the coordinate Bench in the said order. Subsequently, the matter has been heard by this Court and on 24th July, 2023 report of the concerned District

Magistrate dated 10th July, 2023 was filed and the same was taken on record. From the said report it appears that writ petitioners were found vending various items at the said location in question and the names of the petitioners are incorporated in the report of the District Magistrate. However, at the same time it has also been reported by the concerned District Magistrate that the petitioners whose names feature in the report could not produce any authorization/ leave/license from any person or authority to occupy the land in question.

Learned advocate representing Durgapur Municipal Corporation submits that it was not the decision of the corporation to evict the petitioners. However, it has also been submitted that if any decision is taken by the Asansol Durgapur Development Authority they are to follow such decision with regard to permission of vending *vis a vis* running of business of the petitioners claiming to be hawkers.

Asansol Durgapur Development Authority is represented by the learned advocate who submits on instruction that at present Asansol Durgapur Development Authority has not taken any decision to evict the hawkers at the location in question.

In view of such submission being made on behalf of Asansol Durgapur Development Authority it appears that there is no need to enter into the merit of the issue at present since it has been made clear by the Asansol

Durgapur Development Authority that no such decision has been taken to evict the petitioners as hawkers.

In view of aforesaid order the writ petition stands **disposed of** with leave granted to the petitioners to take steps in accordance with law if any coercive decision is taken by the concerned respondent authority in future.

Application, if any pending, also stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)