

16. 21.09.2023
bd. Ct.15

W.P.A. 24962 of 2017
IA No. CAN 1 of 2019 (Old No. CAN 1322/2019)

Bidhannagar Hawkers Union & Anr.
-vs-
The State of West Bengal & Ors.

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

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag ... for BMC.

The writ petition is taken up for consideration pursuant to the order dated 28th August, 2023 whereby opportunity was granted to Bidhannagar Municipal Corporation to apprise this Court whether any decision has been taken regarding vending activities of the members of petitioner association who are hawkers and doing their business within the jurisdiction of Bidhannagar Municipal Corporation. Pursuant to the aforesaid direction dated 28th August, 2023 the learned advocate representing Bidhannagar Municipal Corporation submits in reference to section 4 of West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018 that till date Town Vending Committee has not been constituted.

According to the Corporation, unless and until Town Vending Committee has been constituted under section 4 of the Rules of 2018 no decision can be taken with regard to the vending

activities of the hawkers who are doing business under the jurisdiction of Bidhannagar Municipal Corporation.

In view of aforesaid submission it appears that no decision has been taken as yet by the concerned authority of Bidhannagar Municipal Corporation, on the right of the members of petitioner association to vend, therefore, no order need be passed on this writ petition in order to protect the interest of the members of petitioner association and accordingly the same stands disposed of.

However, this order shall not preclude the petitioner or its members to take steps in accordance with law if in future any decision is taken by the concerned authority of Bidhannagar Municipal Corporation which is adverse to the interest of the members of petitioner association.

There shall be no order as to costs.

Application, if any pending, also stands disposed of.

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

(Saugata Bhattacharyya, J.)