

02. 16.03.2023
bd. Ct.15

W.P.A. 26274 of 2016
CAN 3/2020

Anima Ghosh & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Amitabha Ghosh

... for the petitioners.

Mr. Malay Singh

Ms. Neelam Singh

... for the State

Mr. Dipak Kumar Mukherjee

Mr. Rajib Kumar Mukherjee

Ms. Shreyasi Bhaduri

... for the Uttarpara
Kotrang Municipality.

Ms. Srijoni Chongder

... for the respondent no. 10

Pursuant to the order dated 23rd February, 2023 a report has been filed dated 9th March, 2023 by Sub-Assistant Engineer, Uttarpara-Kotrung Municipality along with photographs which are taken on record.

From the perusal of the report it appears that on inspection it has been found by the Sub-Assistant Engineer that there is an obstruction to ingress and egress at the shop of the petitioners by erecting stall at the nearby road.

However, the learned advocate representing the respondent no. 10 has opposed the contents of the report which has been filed today upon submitting that necessary space has been

maintained in between the stall of respondent no. 10 and the shop of the petitioners and there is no obstruction to ingress and egress as alleged.

Considering the issue involved in this writ petition and taking into consideration the report filed on behalf of Uttarpara-Kotrung Municipality this Court directs the appropriate authority of Uttarpara-Kotrung Municipality to initiate a proceeding against the respondent nos. 9 and 10 in accordance with law for removal of stall. However, it is made clear that before taking final decision on the aforesaid issue opportunity of hearing shall be granted to the petitioners as well as respondent nos. 9 and 10 and final order is to be passed within a period of three months from the date of communication of this order.

With the aforesaid direction, the writ petition stands disposed of. Application, if any pending, also stands disposed of. However, 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.)