

03.10.2023.
Item no. 4.
Court No. 1
ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE*

W.P.A. No. 1137 of 2023

Union of India & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sudipto Kumar Mazumar, Id. DSGI,
Mr. Ajoy Kumar Singhanian.
..For the petitioners.

Mr. Subir Kumar Saha, AGP,
Ms. Bebashruti Bose.
...For the State.

1. The matter was heard on 14th June, 2023 before a previous Bench of this Court where the facts are recorded. It was indicated in the said order that assistance would be rendered by the State after the Panchayat Election.
2. It is submitted today that in view of the ensuing Durga Puja and the huge inflow of tourists, the Hawkers would be seriously prejudiced if they are evicted.
3. The State is unable to spare an Executive Magistrate before the Vacation for other administrative reasons during the ensuing Puja Vacation.
4. This Court heard Mr. Sudipto Kumar Mazumdar, learned Deputy Solicitor General of India and Mr. Subir Kumar Saha, Counsel for the State.

5. This Court notes that all the Railways want is the deployment of an Executive Magistrate and a mobilization/deployment order for G.R.P. to be issued by the Additional Director General of Police (Law & Order) of the State of West Bengal.

6. This Court further notes that since the parties are ad idem on the need for development of New Jalpaiguri Railway Station, it would greatly benefit tourism in the State.

7. This Court, therefore, directs the District Magistrate, Jalpaiguri to immediately name and deploy an Executive Magistrate to oversee the operation of the Railways to ensure eviction of all the Hawkers and unauthorized vendors at New Jalpaiguri Railway Station on 1st December, 2023.

8. Likewise, Inspector-General, CRPF shall also issue an order of deployment of the CRPF the Railway may need on 1st December, 2023. The operation will commence at any time convenient to the Railways.

9. It is expected that the Inspector-General, CRPF and the District Magistrate, Jalpaiguri shall act in terms of the aforesaid order within a week from date and communicate such orders to the Deputy Regional manager (Commercial), Katihar Division, North-East Frontier Railways.

10. It is further expected that all the parties co-operate and ensure a smooth eviction process.

11. Additional Director General of Police (Law & Order) of the State of West Bengal shall also ensure an appropriate deployment of G.R.P. outside the Railway Station to deal with any law and order.
12. The petitioners shall communicate this order to the Inspector-General, CRPF and the District Magistrate, Jalpaiguri and the Additional Director General of Police (Law & Order) of the State of West Bengal.
13. With the aforesaid directions, the instant writ petition shall stand disposed of.
14. There will be no order as to costs.
15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)