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ORDER SHEET

WPO No.1611 of 2023
IA NO: GA/1/2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

EIH LIMITED
-Versus-

THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 18th December, 2023.

Appearance:

Mr. Rachit Lakhmani, Adv.
Mr. Emon Bhattacharya, Adv.
Ms. Pooja Sah, Adv.
...for Petitioner.

Mr. Alak Kr. Ghosh, Adv.
Mr. Swapan Kr. Debnath, Adv.
...for KMC.

Mr. Debashis Banerjee, Adv.
Mr. Rakesh Jana, Adv.
...for applicant in GA/1/2023.

Mr. Debanjan Mukherjee, Adv.
...for CESC Ltd.

Mr. Chitta Ranjan Chakraborty, Sr. Adv.
Mr. Dip Jyoti Chakraborty, Adv.
Mr. M. Rahaman, Adv.
Md. Tarique Masood, Adv.
...for Intervenor.

Mr. Shuvanil Chakraborty, Adv.
..for Intending added applicants.

Mr. Anirban Ray, Adv.
Ms. Ashmita Chakraborty, Adv.
...for the State.

The Court:- A report has been filed by the learned advocate representing the Corporation signed by the Municipal Secretary on 14.12.2023 mentioning that the pavement in front of the Oberoi Grand Hotel has been demarcated in presence of the officials of the Kolkata Municipal Corporation, New Market Police Station and members of the Town Vending Committee to ensure that 2/3rd of the pavement is earmarked for free movement of the pedestrians and 1/3rd of the pavement is restricted to the vendors. Photographs have been produced before this Court to show the demarcation of the pavement.

The Kolkata Municipal Corporation and the New Market Police Station are directed to keep strict vigil to ensure that the demarcation that has been made is strictly followed and the vendors do not encroach upon the 2/3rd portion of the pavement meant for the pedestrians.

Learned advocate representing the petitioner is aggrieved by the demarcation that has been made. It has been submitted that at least 22 ft. on each side of the main entrance should remain clear and ought not to be blocked by the vendors to maintain the safety and security of the hotel.

As regards the submissions made on behalf of some of the hawkers whose names are not appearing in the list of hawkers provided by the Corporation, it will be open for the said hawkers to approach the Town Vending Committee for necessary relief.

It will also be open for the petitioner to approach before the Town Vending Committee for shifting the demarcation in front of the main entrance of the hotel.

Report filed by CESC Ltd. in Court today is taken on record. It mentions that no pilferage was found from their service apparatus during inspection and two meters have been found to supply electricity to the hawkers in the right hand side and left hand side of the entrance of the hotel.

It appears from the prayers made in the writ petition that the petitioner seeks removal of all hawkers/street vendors and prays for declaring the frontage of the hotel as hawker free zone.

It is made clear that this issue has not been decided by the Court in the instant writ petition and it will be open for the petitioner to take

necessary steps in aid of the said prayer before the appropriate forum in accordance with law, if so advised.

Writ petition and the connected application stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)

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