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ORDER SHEET
WPO/1799/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

VIVEK SINGH
VS
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE JAY SENGUPTA

Date: 6th December, 2023.

Appearance :
Mr. Somopriyo Chowdhury, Adv.
Mr. Sayan Mukherjee, Adv.
Mr. Kausik De, Adv.
Mr. Roshan Pathak, Adv.
...for the petitioner
Mr. Amitesh Banerjee, Ld. Sr.
Standing Counsel
Ms. Ipsita Banerjee, Adv.
...for the State
Mr. Pulakesh Bajpayee, Adv.
Mr. Somnath Bhattacharjee, Adv.
...for respondent nos. 15 to 18

The Court: Affidavit of service filed in Court be taken on record.

Learned advocate appearing for the petitioner submits as follows.
Petitioner was allotted parking space by the Port Trust in a portion of its area near the river Hooghly. This was done by way of tender on 8.9.2023. Possession was given on 11.10.2023. Since then the local miscreants owing allegiance to a leader of the ruling political dispensation started disturbing the petitioner and prevented him from collecting parking fees. They even initiated a false case to deter the petitioner for coming to collect such

parking fees. This is reflected from the Posta Police Station case no. 155 dated 18.11.2023. The police are hand in gloves with the miscreants. The petitioner is at present charging a uniform parking fees of Rs.70/- for 8 hours. The respondent Police Authorities are preventing the petitioner from carrying out his legitimate business in the area. Despite demand of justice, the same has been denied by the respondents.

Learned senior standing counsel representing the State respondent submits as follows. First, police have received several complaints that the men and agents of the petitioner are collecting exorbitant fees arbitrarily from persons who come there for parking their vehicles. Moreover, the exact area which is allotted to the petitioner by the Port Trust for collecting parking fees is not demarcated physically on road.

It appears that the petitioner has obtained a tender from the Port Trust Authority for collecting parking fees for an area.

In the process of conducting such business if the petitioner commits an offence, it shall be open to the Police Authorities to take steps in accordance with law. However, they cannot refuse to entertain a complaint of the petitioner that they are being prevented by the local goons from conducting their business and they are obliged to take necessary measures to uphold the rule of law.

Although it may not be strictly required but for a greater transparency, it is better that the Port Trust Authorities demarcate

physically on ground the area which is given to the petitioner for collecting parking fees. Let such demarcation be done within a period of two months from the date of this order with notice to the Police Authorities. However, the petitioner cannot be prevented from carrying on with his business even in the interregnum.

The Police Authorities shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, this writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(JAY SENGUPTA, J.)

TR/

