

42 09.05.2024
AN Ct. No. 01
RP

WPA(P) 6 of 2021

Subhasis Pachhal & anr.
Vs.
State of West Bengal & Ors.

Mr. Srijib Chakraborty
Mr. Subhasis Chakraborty
Mr. Sunny Nandy
Ms. Sushmita Kumari Singh
Mr. Amit Chowdhury

... for the petitioners

Mr. Jahar Lal De, ld. A.G.P.
Mr. Shamim Ul Bari

... for the State

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Pinaki Chakraborty

... for the H.M.C.

1. We have heard learned counsel for the respective parties at length.

2. It is submitted that the name of the road called as “Salkia School Road” has been changed as “Acharya Tulsi Marg” in the year 2019 by the Howrah Municipal Corporation. In the year 2021, two learned advocates have thought fit to file this writ petition as a Public Interest Litigation stating that the change of the name of the road has been done in derogation of Section 160 of the Howrah Municipal Corporation Act, 1890. The report filed by the Additional Secretary, Government of West Bengal also says that the Howrah Municipal Corporation has not adhered to the provisions of Section 160 of the said Act. By a communication dated 29.12.2020, the Joint Secretary, Government of West Bengal, Department of

Urban Development & Municipal Affairs had addressed the Commissioner of the Howrah Municipal Corporation to furnish the names of the persons not exceeding 8 but not less than 5 for the proposed Advisory Committee to be formed for naming or changing the name of any public street or square in the light of sub-section 3 of Section 160 of the said Act. This direction has not been complied with by the Commissioner, Howrah Municipal Corporation. Thus, as on date, the Court cannot direct the respondents to revert back to the original name of the road since the changed name has been adopted in the year 2019. Nonetheless, the Howrah Municipal Corporation have to follow the procedure under Section 160 of the Act.

3. Therefore, there will be directions to Howrah Municipal Corporation to forward the names of the persons not exceeding 8 but not less than 5 for the purpose of the proposed Advisory Committee to be formed by the Government. The names shall be forwarded within a period of three weeks from the date of receipt of the server copy of this order. After the names are received, the appropriate authority of the Government of West Bengal shall constitute the Advisory Committee within a period of 8 weeks from the date on which the names are forwarded. Upon constitution of the Committee, the matter concerning the change of the names of the concerned road to be placed before the Committee for appropriate decision and thereafter based on such a decision, further orders shall be passed by the Howrah Municipal Corporation.

4. With the above observations and directions,
the writ petition stands **disposed of**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)