

Item No.324

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.04.2024
Ct-24

WPA 16186 of 2023

Ratna Das

v.

The Chairman, Jangipur Municipality & Ors.

Mr. Rajarshi Dutta

Mr. Rishabh Karnani

Mr. A. Bagaria

Mr. Devansh Sonthalia

... for the petitioner.

The grievance of the petitioner is that Jangipur Municipality has put up railings in front of her shop room in such a manner that free egress and ingress to the shop room is completely blocked. Photographs of the railing in front of the petitioner's shop room have been annexed to the writ petition.

It appears that in a previous round of litigation at the instance of the tenant of the petitioner on the similar issue the Court in WPA 16529 of 2021 vide order dated October 7, 2021 in Sanvie Retail Private Limited & Anr. v. The Chairman, Jangipur Municipality & Ors. directed the entrance of the petitioner's shop room to remain as it is and further directed that obstruction should not be placed in front of the door, blocking free entry and exit from the main gate.

The photographs annexed to the writ petition suggest that the free entry and exit to the petitioner's shop room has been infringed by the railings that have been put in front of the said shop.

An objection has been filed before the Chairman of the Municipality which is pending consideration for a long period of time.

As the Municipality is not represented, the issue cannot be decided conclusively.

In view of the above, the Chairman of the Municipality is directed to consider the objection filed by the petitioner in the light of the order passed by this Court on October 7, 2021 in WPA 16529 of 2021 after giving reasonable opportunity of hearing to the petitioner or her authorized representative at the earliest but positively within a period of sixty days from the date of communication of this order.

The writ petition stands disposed of.

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

Sh

(Amrita Sinha, J.)