

05.09.2024

WPA 20547 of 2024

**Debasis Samanta & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya
Mr. Moyukh Mukherjee
Mr. A.K. Mukherjee
Ms. T. Pramanick

... .. for the petitioners

Mr. Suman Sengupta
Ms. Amrita Panja Moulick

... .. for the State

Learned counsel appearing for the petitioners files
exception.

Let the exception be taken on record.

Learned counsel appearing for the petitioners
submits that the petitioners are carrying on their
respective businesses of vending near the Contai Police
Station situated at the R.S. Plot No.108, L.R. Plot No.157,
Mouza – Hatabari, J.L. No.369, adjacent to the boundary
wall of the Contai Police Station for more than 20 years
and vending is their sole means of livelihood. On 7th
August, 2024 the Inspector-in-Charge of Contai Police
Station being the respondent No.5, suddenly informed
the petitioners to vacate their vending stalls and remove
their belongings from the area.

Learned counsel further submits that for eviction of
hawkers from their respective places of business requires
due process of law and an opportunity of hearing is ought
to be given under Section 4 of the Public Premises

(Eviction of Unauthorised Occupants) Act, 197. Owing to no order being passed under the said Act, the respondent No.5 has no authority to remove the hawkers from their places of business.

Learned counsel appearing for the State files a report and submits that the respondent No.5 has requested for clearance of the proposed main gate location and demarcation of the boundary wall at Contai Police Station under Purba Medinipur District. Moreover, the allegations by the petitioners receiving threats from the Inspector-in-Charge, Contai Police Station being the respondent No.5 is totally false and baseless. The respondent No.5 being the instrumentality of the State cannot go beyond the scope of law.

Heard the learned counsels for the parties at length.

As the respondent No.5 has categorically stated that he has never threatened the petitioners from evicting them from their places of business near Contai Police Station situated at the R.S. Plot No.108, L.R. Plot No.157, Mouza – Hatabari, J.L. No.369 adjacent to the outer portion of boundary wall of the Contai Police Station, nothing remains in this matter and the writ petition being WPA 20547 of 2024 is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)