

ORDER SHEET
WPO No.77 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

CHOWRINGHEE TRADERS ASSOCIATION & ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 8th February, 2024.

Appearance:
Mr. Arindam Banerjee, Adv.
Ms. Sinthia Bala, Adv.
...For Petitioners.

Mr. Alak Kumar Ghosh, Adv.
Mr. Swapan Kr. Debnath, Adv.
...For KMC.

Mr. Sirsanya Bandopadhyay, Adv.
Mr. Arka Kr. Nag, Adv.
...For State.

The Court:-The petitioner no.1 is an Association of the traders carrying on business in the Chowringhee area and the petitioner no.2 is the Secretary of the petitioner no.1.

The grievances of the petitioners are that, (i) the petitioners were not given any opportunity of hearing at the time of demarcating the vending zones in the Chowringhee area and (ii) there is no representative from the petitioner no.1 or any other Association in the Town Vending Committee in the Chowringhee area.

The petitioners contend that as none of the traders of the Chowringhee area are represented before the Town Vending Committee, accordingly, the petitioners are not in a position to put forward their grievances before the Committee. Similarly, none is there in the Town Vending Committee to redress the grievances of the petitioners.

Prayer has been made for reconstitution of the Town Vending Committee so that at least one member from the Chowringhee area is included in the Committee. The petitioners have filed a representation before the Commissioner of the Kolkata Municipal Corporation who

happens to be the Chairman of the Town Vending Committee and seeks a direction for consideration of the said representation.

Learned advocate representing the Kolkata Municipal Corporation submits that the issue of implementation of the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is pending consideration before the Hon'ble PIL Bench.

It has been brought to the notice of the Court that the Kolkata Municipal Corporation has published notice in the daily newspapers on 21-01-2024 whereby the Town Vending Committee, Kolkata has recommended for inviting suggestion, recommendation or objection from the citizens under jurisdiction of the Kolkata Municipal Corporation or others whose interest may be affected regarding finalisation of vending and no vending zones.

Kolkata Municipal Corporation's official website/portal at **<https://www.kmcgov.in>** has been set up for submission of suggestion, objection etc.

Feedback should be sent by post or email to **addl_secy@kmcgov.in** within one month from the date of notification being 21.01.2024.

It has been submitted that the petitioners may put in their suggestions or objections at the aforesaid address that has been provided in the notice.

Upon hearing the parties and upon perusal of the materials placed before this Court, it appears that as regards reconstitution of the Town Vending Committee, the petitioners are yet to make any representation before the State Government. It will be open to the petitioners to make appropriate representation before the State Government highlighting their grievances. As regards the public notice published by the Corporation in the daily newspapers the petitioners may put in their

suggestions/objections at the official website/portal that has been set up by the Corporation seeking objections or recommendations.

The Town Vending Committee shall consider the objections, if filed by the petitioners, in accordance with law. If required, hearing may be granted to the petitioners for consideration of their suggestions or objections. The fate of the suggestions/ objections received by the Town Vending Committee shall be notified.

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

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

(AMRITA SINHA, J.)