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ORDER SHEET
WPO No.145 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

DEEPAK SONKAR
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 27th February, 2024.

Appearance:
Mr. Tanmoy Banerjee, Adv.
Mr. Sounak Bhattachariya, Adv.
Mr. Soumyadip Panda, Adv.
Ms. Granthana Kayal, Adv.
....for the Petitioner.

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

Mr. Debajyoti Deb, Adv.
Ms. Somdyuti Parekh, Adv.
Mr. Ayan Mitra, Adv.
...for respondent nos.7 & 8.

Ms. Sipra Majumder, Adv.
Mr. Debjit Mukherjee, Adv.
Ms. Somashree Dey, Adv.
Mrs. Susmita Chatterjee, Adv.
...for the State.

The Court:- The petitioner has complained against the illegal encroachment of footpath in the Burrabazar business area. A detailed representation is pending consideration at the end of the Kolkata Municipal Corporation.

Learned advocate representing the private respondent nos.7 and 8 submits that the petitioner himself is also guilty of the same offence. The petitioner has also encroached upon the footpath for the purpose of his business.

Learned advocate representing the Corporation submits that the parties should not encroach the footpath and the same should be kept free for the pedestrians.

Without going into the allegation and counter allegation of the parties, as it appears that a representation is pending consideration at the end of the Kolkata Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the Chief Engineer, Solid Waste Management Department, Kolkata Municipal Corporation to consider the objection filed by the petitioner in accordance with law and to dispose of the same after giving reasonable opportunity of hearing to all the necessary parties.

It will be open for the Chief Engineer, Solid Waste Management Department, Kolkata Municipal Corporation to devise method/ policy by which the footpath in and around the Burrabazar area can be left for free movement of the pedestrians. Steps in accordance with law shall be taken to remove all encroachments from the footpath.

The aforesaid respondent shall act in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to all the parties.

Learned advocate for the petitioner is directed to forward a copy of the writ petition along with all annexures to the Chief Engineer, Solid Waste Management Department, Kolkata Municipal Corporation at the time of communicating the order of the Court.

Leave is granted to the Advocate-on-record of the petitioner to implead to the Chief Engineer, Solid Waste Management Department, Kolkata Municipal Corporation as party respondent in the instant writ petition.

Writ petition stands disposed of.

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

Report filed by the Officer-in-Charge, Burrabazar Police Station signed on 27.02.2024 be retained with the record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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