

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/550/2024
DHIRAJ SONKAR AND ORS
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE :
THE HON'BLE JUSTICE KAUSIK CHANDA
Date : 5th November, 2024.

Appearance :

Mr. Debashis Banerjee, Adv.
Mr. Subrata Saha, Adv.
Mr. Rakesh Jana, Adv.
...for petitioners.

Mr. Alak Kr. Ghosh, Adv.
Mr. Swapan Kumar Debnath, Adv.
...for Kolkata Municipal Corporation.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv. ...for State.

The Court : - The petitioners claim to be the street vendors who have been vending on the pavement in front of premises no.44, Mahatma Gandhi Road, Kolkata – 700 001. The petitioners allege that they were suddenly evicted by the Kolkata Municipal Corporation, in violation of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

Mr. Banerjee, the learned advocate for the petitioners, submits that the relevant area is not designated as a non-vending zone under the notification issued by the Kolkata Municipal Corporation. Therefore, he contends that the petitioners should be re-settled in order to continue their vending activities.

On the other hand, Mr. Ghosh, learned advocate for the Kolkata Municipal Corporation, submits that the eviction of the petitioners was carried out in compliance with the order dated February 27, 2024, passed in WPO/145/2024.

Mr. Banerjee, however, argues that the order dated February 27, 2024, should not preclude the consideration of the petitioner's representation. He refers to Rule 9(e) of

the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018, which allows for the use of one-third of the pavement width for vending, provided that the remaining two-thirds is left clear to ensure the smooth movement of pedestrians.

I am of the view that, since the petitioners have already submitted their representations to the Town Vending Committee, these representations should be considered in accordance with law with the applicable law.

Accordingly, WPO/550/2024 is disposed of with a direction to respondents Nos. 2 and 3 to consider the representation dated May 15, 2024, in accordance with law within three months from the date of communication of this order. The authorities are directed to pass a reasoned order and communicate it to the petitioners.

It is further clarified that this Court has not adjudicated the merits of the petitioner's claims. The authorities are at liberty to decide the matter in accordance with the law.

(KAUSIK CHANDA, J.)