

D/L
Item No. 26
15.07.2025
KOLE

WPA 2430 of 2025

**Ifrah's Biryani and Food Private Limited
-Vs.-
The State of West Bengal & Ors.**

*Mr. Anindya Bose,
Ms. Pratiti Das*

...for the petitioner.

*Mr. Malay Singh,
Ms. Neelam Singh,*

.... For the State.

*Mr. Vimal Kumar Shahi,
Ms. D. Dey Nayak,*

...for the KMC.

1. The writ petitioner has filed this present writ petition being aggrieved by the inaction of the respondent authority in failing to remove illegal encroachment from footpath in front of the petitioner's shop, situated at 136, Karl Marx Saranee, Kolkata-700023, allegedly at the instance of private respondents.

2. Learned Advocate for the petitioner submits that they are running a franchise of Haldiram from the said premises. In front of the said premises the private respondents have encroached the footpath and erected fabricated shed in the encroached footpath and in furtherance trying to encroach upon some portions of the boundary wall of the petitioner's premises and causing nuisance, obstruction to the ingress and egress to the said premises. The encroachment not only obstructs the pedestrian movement but also adversely affects the business operation of the petitioner. It is further contended that the petitioner made representation before the respondent authorities to take appropriate steps to remove such encroachment made by the private respondents illegally

over the said public property, but despite knowing about the said issue, the respondent authorities have failed to act upon the same.

3. Learned Counsel for the respondent submits that the authorities are ready and willing to decide the petitioner's representation dated 19.12.2024.

4. Learned Counsel for the petitioner submits that the petitioner shall be satisfied if the same will be decided within a time bound manner.

5. In view of such submission by the Counsel, this Court directs the respondent-Kolkata Municipal Corporation to decide the petitioner's representation dated 19.12.2024 within a period of six weeks from the date of communication of this order, strictly in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the private respondents or any other stakeholders, by way of a speaking order.

6. With the above directions and observations, this writ petition stands disposed of.

7. Since I have not called for affidavits, the allegations made in the writ petition are deemed not to be admitted by the respondents.

8. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Gaurang Kanth, J.)