

27.03.2025
Sl. No.66
Ct.3/ tkm

W.P.A. 3110 of 2025
[Abhidip Mukherjee vs. State of West Bengal & Ors.]

Mr. Biswaroop Bhattacharya
Mr. Rathikanta Pal
Ms. N Ghorai
... .. for the petitioner

Ms. Oindrila Ghosal
... .. for respondent nos. 3 to 5
Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K R Ahmed
Mr. Tapas Chatterjee
Mr. Rudranil Das
... .. for respondent no. 11

Mr. Nilotpal Chatterjee
Ms. Debapriya Chatterjee
... .. for the State

Mr. Arka Kr. Nag
Ms. Deboleena Ghosh
... .. for Serampore Municipality

1. The petitioner has preferred the present writ petition being aggrieved by the alleged inaction on the part of the municipality in addressing and removing the unauthorized air conditioning unit that purportedly encroaches upon a public footpath, thereby causing obstruction and inconvenience to the pedestrian.
2. It is the case of the petitioner that he noticed a significant issue concerning the installation of a machine related to an air conditioning unit, which has been positioned in such a way that it encroaches upon the footpath. This installation is accompanied by the construction of a permanent structure intended to an outlet for

“Jio Digital Life,” and such encroachment not only obstructs the pedestrian walk way but also violate local building regulations and municipal zoning laws, which are intended to ensure the safe and unobstructed use of the public spaces.

3. Learned counsel for the respondent- municipality submits that necessary action is under contemplation, and steps are being taken to remove any unauthorized and illegal encroachments affecting pedestrian pathways.
4. Conversely, learned counsel for the private respondent refutes the said allegations asserting that there is no encroachment upon the public footpath. It is further contended that the installation of the said air conditioning unit was carried out in accordance with requisite permissions duly granted by the municipality.
5. Be that as it may, learned counsel for the respondent submits that they are ready and willing to decide the representation of the petitioner dated 20.1.2025.
6. In view of the said submission made by the respondent municipality, learned counsel for the petitioner submits that his client shall be satisfied if his representation is decided in a time bound manner.

7. In view of the same, this court directs the respondent municipality to decide the petitioner's representation dated 20.1.2025 within a period of six weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as private respondent by way of speaking order.
8. With the above direction, the present writ petition is disposed of.

(Gaurang Kanth, J.)