

19.08.2025
Item No.24.
gd/ssd

WPA(P)/115/2024
ROHIT KUMAR SHAW AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Shibendra Nath Chattopadhyay,
..for the Petitioners.

Mr. Alok Kr. Ghosh,
Mr. Suman Basu,
Mr. Arijit Dey
..for the Respondent nos.2-4.

1. With the consent finally heard.
2. In this PIL the principal relief of the petitioners to remove encroachment from S.N. Banerjee Road.
3. The encroachers may be rehabilitated in the other places.
4. The report is filed by respondent nos.2, 3 and 4 in compliance with the court's order dated 14.03.2024.
5. Report filed by the respondent nos.2 to 4 is taken on record.
6. On more than one occasion, on a specific query from the Bench, the learned counsel for the petitioners stated that he does not wish to file any exception to this report.

7. In paragraphs 3 and 4 of the report it is stated that S.N. Banerjee Road does not fall under “No Vending Zone” and accordingly, in terms of Rule 9(e) of the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018, both the pavements along with S.N. Banerjee Road have already been demarcated into 1/3rd and 2/3rd with yellow border on 16.02.2024 for which 1/3rd of the footpath as vending space being occupied by the vendors and 2/3rd being kept open for smooth movement of the pedestrians like other vending zone busy roads. Thereafter it is averred that encroachments have been removed as per order of this Court in WPO(P) 9 of 2021. The encroachments have removed because they were blocking the free movement of traffic on those roads and frequent drive is being continued to maintain the free blacktop carriageway from any hindrance. So far rehabilitation of hawkers is concerned, the reference is made to certain meetings of the appropriate committee wherein at present they found no adequate space for rehabilitation but decided to recheck again and suggest the areas where rehabilitation of those encroachers may take place.

8. In absence of any exception, we find no reason to disbelieve the present report.

9. It is expected that the exercise for the purpose of rehabilitation may continue and appropriate decision will be taken at appropriate time.

10. With the aforesaid, this PIL is disposed of.

(SUJOY PAUL, J.)

(SMITA DAS DE, J.)