

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 15735 of 2025

**Uttam Kumar Das & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Md. Sarwar Jahan,
Mr. Sayantan Hazra,
Ms. Tapati Sarkar.
...For the Petitioners.**

**Mr. Sk. Md. Galib, Sr. Adv,
Ms. Sukla Das Chanda,
Mr. Partha Sarathi Sen Sharma.
...For the State.**

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

2. The petitioners claim to be hawkers carrying on business inside the Malda Court complex. After the Court administration took steps to fence the land belonging to the judicial department, the petitioners got dispossessed.

3. They filed a writ petition before this Court seeking alternate accommodation which was allowed by the Learned Single Judge vide judgment dated 6th January, 2022 passed in WPA 7956 of 2020 (Uttam Kumar Das and others -vs- The State of West Bengal and others).

4. The State carried the said order passed by the Learned Single Judge in appeal and vide judgment dated 19th September, 2024 passed by the Hon'ble Division Bench in MAT 1015 of 2022 (The Secretary, Judicial Department, Government of West Bengal & Ors. -vs- Uttam Kumar Das & Ors.), the Court was

pleased to set aside the order passed by the Learned Single Judge.

5. SLP was preferred by the hawkers being Petition(s) for Special Leave to Appeal (C) No(s) 29878/2024 (Uttam Kumar Das & Ors. -vs- The Secretary, Judicial Department, Government of West Bengal). The said SLP was withdrawn on 16th December, 2024.

6. The Hon'ble Supreme Court was, however, pleased to grant liberty to the petitioners to make appropriate representation to the competent authority for redressal of their grievances.

7. Pursuant to the leave granted, a representation was filed before the State respondents on 2nd January, 2025 seeking alternate accommodation to carry on business. The same not being considered an application under Article 32 of the Constitution of India was filed before the Hon'ble Supreme Court being Writ petition (Civil) No. 201 of 2025 (Uttam Kumar Das & Ors. -vs- The Secretary, Judicial Department, Government of West Bengal). The said writ petition was also withdrawn seeking liberty to file fresh writ petition before the High Court on the same and subsequent cause of action. Armed with the said liberty, the instant writ petition has been filed.

8. Prayer has been made to direct the authority to provide alternate accommodation to the petitioners to carry on their business as the business is their only source of life and livelihood.

9. The aforesaid prayer of the petitioners is opposed by the learned advocate representing the State respondents. It has been submitted that the Hon'ble Division Bench took into consideration the submission for rehabilitation of the petitioners and was pleased to negate the same. After the matter has reached finality, the petitioners cannot be granted any relief.

10. From the instruction forwarded by the District Magistrate, Malda dated 17th July, 2025 it appears that a meeting was conducted by the Sub-Divisional Magistrate and the Sub-Divisional Officer (Sadar), Malda on 1st March, 2025 to consider the representation filed by the petitioners on 2nd January, 2025 and 28th February, 2025.

11. As many as 23 petitioners were present and signed the attendance sheet. All the petitioners were heard. The petitioners admitted that they do not have any land documents in their name and licence holders paid taxes to the Government till 2010. After 2011, the licences lapsed and were not renewed.

12. The petitioners present in the hearing sought for an alternate accommodation for running their business. The petitioners were explained that in the absence of any formal instruction or direction from the department regarding rehabilitation of the hawkers/vendors, their case cannot be considered.

13. The petitioners accepted the proposition and unanimously decided to remove all their structures and belongings from the district court complex on 2nd March, 2025.

14. The Court has been apprised that the area of the Court has since been fenced and has been enclosed.

15. In the absence of any scheme for rehabilitation, the prayer of the petitioners seeking rehabilitation cannot be allowed.

16. In view of the above, the writ petition fails and is hereby dismissed.

17. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)