

24.09.2025.
Court No. 23
Sl. No. 15
pk

FMA 1272 of 2025
I.A. No. CAN 1 of 2025

Ananda Sarkar and others
Versus
The State of West Bengal and others

Mr. Parashar Baidya,
Mr. Soham BANerjee
... for the Appellants.

Mr. Anindya Sundar Chatterjee,
Mr. Goutam Dinda
... for the Municipality.

Mr. Gourav Das,
Mrs. Sanchayita De
... for the State.

1. The appellants claim to be street vendors near A. V. High School in Amin Bazar More, Krishnanagar, Nadia. They had earlier erected permanent structures without the consent of the municipality which had to be demolished. Since after demolition they have erected temporary structures encroaching on public land, obstructing the drainage, road and also inconveniencing a local school. The Municipality has issued notices to the appellants/petitioners to remove the structures.
2. The petitioners/appellants have conceded before the Single Bench that they would be satisfied if the Municipality considers their representations.
3. Accordingly, the Single Bench directed the Municipality to consider the appellants' representations

and also the applicability of the Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014.

4. Learned counsel for the appellants/petitioners submits that his clients are entitled to interim protection while the Municipality considers their representations.

5. This Court is unable to accede to such prayers. While the Street Vending Act protects the livelihood of street vendors, the same comes with appropriate restrictions. Such restrictions are either express or must be implied into the statute-in-question. No street vendors can be permitted to encroach upon the public places and cause obstruction public at large or the functioning of a school.

6. In view of the above, this Court finds no reason to interfere with the impugned order dated 30.06.2025. The Municipality shall carry out the directions in the order in question.

7. Hence, the instant appeal fails and is hereby dismissed. Consequently, connected pending application is also dismissed.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)