

MAT 1470 of 2023
in
IA No. CAN 1 of 2023

Smt. Shipra Sinha & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Barnali Saha
Mr. Shankha Shubhra Mukherjee
.... **For the Appellanst.**

Mr. Wasim Ahmed
Sk. Md. Masud
.... **For the State Respondents.**

Mr. Debapriya Samanta
Mr. Subroto Palit
Mr. Akash Kumar Chakraborty
.... **For the Respondent Nos. 6 to 10.**

The present appeal has been preferred challenging an order dated 24th July, 2023 passed in the writ petition being, WPA 15324 of 2023.

The writ petition was preferred contending, *inter alia*, that the writ petitioners/appellants herein are the owners of two cars and because of their family requirements they were parking their cars on the road adjacent to their residence. However, the private respondents were harassing and putting pressure on the appellants to remove their cars from the said road. It was also contended that the police authorities were acting in league with the private respondents. Such allegations were, however, denied by the respondents and it was contended on behalf of the State authorities that the appellants did not have any right to park their cars on the municipal road adjacent to their residence. In the

said conspectus, the learned Single Judge refused to exercise discretion in favour of the appellants and dismissed the writ petition.

Mr. Mukherjee, learned advocate appearing for the appellants submits that the appellant no. 2 has a son, who is suffering from a disability and that for meeting medical emergencies, the appellants were parking their cars on the road adjacent to their building. However, the private respondents were creating disturbance and forcibly preventing the appellants from parking their cars on the road though other residents adjacent to the said road also park their cars on the said road. Such argument, as advanced, was glossed over by the learned Single Judge.

Mr. Samanta, learned advocate appearing for the private respondents, however, denies and disputes such contention of the appellants.

Upon hearing the parties, this Court by an order dated 24th June, 2025 directed the respondent no. 4 to file a report disclosing as to whether, apart from the cars of the appellants, any other car or vehicle is being parked on the said road.

Mr. Ahmed, learned advocate appearing for the State respondents submits that pursuant to the earlier direction of this Court an enquiry was conducted by the respondent no. 4 and it was found that the private respondents were not parking their cars on the said road

and in fact they submitted a written declaration before the respondent no. 4 stating that they would not be utilising the said municipal road for parking their cars. It has also been stated by the respondent no. 4 that the appellants are also not parking their cars on the said road. No car is being parked by the other residents on the said road. Let the written instruction, as furnished, be kept on record.

There is no dispute that the road adjacent to the appellants' residence is a municipal road and no one has any right to park their cars on the said road save and except in cases of medical emergencies.

From the materials on record it appears that no person residing adjacent to the municipal road is parking their cars on the said municipal road.

In view thereof, no further interference is called for in the present appeal.

However, the respondent no. 4 shall keep a strict vigil and ensure that no harm is caused to either of the parties for the dispute.

With the above observations and directions the appeal and the connected applications are disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)