

10th Sept.,2025
Item no.D/L 04
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 21060 of 2025**

In the matter of :
Arati Das & Ors. *.... Petitioners*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioners:
Mr. Debashis Banerjee
Ms. Gargi Roy
Mr. Rakesh Jana *....Advocates*

For the BMC:
Mr. Arka Kumar Nag
Mr. Tirthankar Dey *....Advocates*

For the State:
Mr. Sudipto Panda
Mr. Sajal Kumar Panda *....Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners claim to be vendors and they admit occupying government land from where they are conducting their vending activity for quite sometime.
3. They are aggrieved by the notice issued on 21st August, 2025 by the Executive Engineer, Bidhannagar Municipal Services Division, Department of Urban Development and Municipal Affairs, Government of West Bengal directing them to vacate/shift all their belongings including shade/construction within fifteen days in order to make the plot of land encroachment free.

4. The petitioners rely upon the letters of recommendation issued for availing benefits under PM SVANidhi Scheme dated 7th July, 2023 mentioning that the letter of recommendation is issued accepting the claim of the certificate holder as street vendor.
5. It has been submitted that vending is the only source of livelihood of the petitioners. If the petitioners are removed without providing alternative accommodation, then they will be highly prejudiced.
6. A representation from the petitioners is pending consideration before the Chairperson, Town Vending Committee. Copy of the same has also been submitted before various other authorities.
7. There has been no response from the end of any of the authorities.
8. The petitioners apprehend that the authorities may take steps to evict them without considering their representation.
9. Learned advocate representing the Bidhannagar Municipal Corporation submits, upon instruction that, the notice to vacate was issued by the Department of Urban Development & Municipal Affairs and the Corporation will be bound to act in terms of any direction passed by the Department.
10. Learned advocate representing the State respondents is not ready with any instruction.
11. As it appears that the petitioners' representation before the Town Vending Committee is pending consideration,

accordingly, the instant writ petition is disposed of by directing the Principal Secretary of the Department of Urban Development & Municipal Affairs or any other officer authorized by him, not below the rank of Joint Secretary, to take a decision on the representation filed by the petitioners in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of eight weeks from the date of communication of this order.

12. A reasoned order shall be passed and communicated to the petitioners immediately thereafter.
13. The aforesaid respondent shall permit the petitioners to rely upon all documents in support of their respective claim at the time of hearing.
14. The writ petition stands disposed of.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)