

19.05.2025
Sl. No.25
Ct.3/ tkm

W.P.A. 22121 of 2024

Atish Biswas
Vs.
State of West Bengal & Ors.

Mr. Soumava Mukherjee
... ... for the petitioner

Mr. Tapas Kr. Ghosh
Mr. Tanmay Chowdhury
... ... for respondent nos. 2 and 3

Mr. Soumya Mukherjee
... ... for WBPCB

1. The affidavit of service is taken on record.
2. The petitioner has filed the present writ petition seeking a direction for the demolition and removal of an open dustbin situated directly in front of the petitioner's residence.
3. The petitioner contends that the said open dustbin is located adjacent to the boundary wall of his property. Despite making several representations to the concerned municipal authority, no steps have been taken to relocate the dustbin. It is further submitted that, under the 'Swachh Bharat Scheme,' all other dustbins in the area have been covered, and this is the only open dustbin remaining. The photographs annexed with the petition clearly depict the dustbin placed in front of the petitioner's gate.

4. Learned counsel for the respondent municipality has filed a report indicating that, upon inspection, it was found that an open dustbin exists in front of the petitioner's premises (to the west). The width of the petitioner's main entrance is 12 feet, out of which 5 feet is obstructed due to the presence of the dustbin.
5. The petitioner submits that the said obstruction severely hampers his ingress and egress from the property.
6. Counsel for the respondent further contends that the open dustbin was already in existence at the time the petitioner purchased the property from its previous owner and is located adjacent to the boundary wall of the petitioner's residence.
7. This Court has heard the submissions advanced by the learned counsel for both parties and perused the documents placed on record.
8. A perusal of the photographs makes it evident that the dustbin is positioned directly in front of the petitioner's gate, causing obstruction to movement and posing serious health concerns to the petitioner and his family.
9. Despite repeated representations, the respondent authority has failed to remove the said dustbin, thereby continuing to cause both inconvenience and health hazards to the petitioner. The report filed by

the municipality also acknowledges that the dustbin encroaches upon 5 feet of the petitioner's entrance and obstructs his right of ingress and egress

10. In view of the above facts, this Court is of the considered opinion that the petitioner is being deprived of the full enjoyment of his property due to the obstructive and hazardous placement of the open dustbin.
11. Accordingly, this Court directs the respondent municipality to forthwith remove the open dustbin from the frontage of the petitioner's premises and relocate it to a suitable site where it will not cause inconvenience to any other resident.
12. The entire exercise shall be completed within a period of six weeks from the date of this order. The new location shall be one that is both accessible for garbage collection and non-intrusive to the rights or convenience of nearby residents.
13. With the aforesaid directions, the writ petition stands disposed of.
14. As no affidavit was called for, all allegations made in the writ petition are deemed to be denied.

(Gaurang Kanth, J.)