

20. 15.12.2025
Court No.03.

(Pritam)

WPA 23545 of 2025.

Vijay Bahadur Sing & Ors.

-Vs.-

State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Sunit Kr. Roy.

....for the petitioners.

Mr. Amar Nath Das,
Ms. Pampa Ghosh.

.....for the defendants.

Ms. Tanusree Das Gupta.

.....for the KMC.

1. Affidavit-of-service filed in Court today is taken on record. Despite service, the municipal authorities are not represented. Since the municipal authorities are not represented and since Ms. Tanusree Das Gupta, learned advocate is present in Court who normally represents the Kolkata Municipal Corporation, I direct Mr. Bose, learned advocate representing the petitioners to serve a copy of the writ petition to Ms. Das Gupta for her to represent the Kolkata Municipal Corporation in the matter. Let her appearance be regularised
2. The petitioners would complain that the private respondent being the respondent no.9 has been illegally using the space meant for car parking, for

business operations at premises no.11/B, Joy Narayan Tarka Panchanan Lane, Kolkata-700 011.

3. According to Mr. Bose, learned advocate for the petitioners, there is no sanction of the municipal authorities either to convert the space meant for car parking for business purpose or to continue with the above business.
4. Mr. Das, learned advocate appears for the respondent no.9 and places before this Court not only the rent receipts pertaining to the period from July 1982 issued by the erstwhile owner of premises No.11/B, Joy Narayan Tarka Panchanan Lane, Kolkata – 700 011 but also receipts issued by the Kolkata Municipal Corporation under the municipal licence for provisional trade and callings in favour of the sole proprietorship firm of the respondent no.9. Such document is dated 14th May, 1983.
5. This apart, he has also placed reliance on the copy of the Inspection Book to demonstrate that the respondent no.9 has been carrying on business from the aforesaid property.
6. This apart, copies of the certificate for enlistment and receipts issued by the CESC authorities and other statutory certificates issued by the statutory authorities has been disclosed by the learned advocate for the respondent no.9.

7. Having heard the learned advocates for the respective parties and having considered the materials on record and noting the disclosure made by the respondent no.9, I find that the petitioners are the flat owners of 11/B, Joy Narayan Tarka Panchanan Lane, Kolkata – 700 011. The induction of the private respondent no.9 in the suit property is not disputed by the learned advocate for the petitioners.
8. Having regard thereto and noting from the disclosure made by the learned advocate for the respondent no.9, I am of the view that at this stage, there is no scope for this Court to pass any mandatory direction upon the municipal authorities.
9. However, it shall be open to the petitioner to make fresh representations before the municipal authorities and if such representation is made, the same shall be considered in accordance with law.
10. With the aforesaid observations and directions, the instant writ petition stands disposed of.

(Raja Basu Chowdhury, J.)