

OD-6

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/499/2025

BIKASH GUPTA

-VS-

THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date: 4th December, 2025.

Appearance:

Mr. Ayan Dutta, Adv.

Mr. Arindam Paul, Adv.

Mr. Bidish Ghosh, Adv.

Ms. Debarati Das, Adv.

...for the Petitioner.

Mr. Alak Kr. Ghosh, Adv.

Mr. Gopal Chandra Das, Adv.

Mr. Suman Basu, Adv.

...for the KMC.

1. The instant writ petition has been filed by the petitioner seeking mandatory direction that the tea stall in front of Gupta Hardware Stores at premises no.279/C, Vivekananda Road, Ward No.15, Kolkata 700006 is dismantled and removed.
2. This matter was previously taken up for consideration. Today Mr. Ghosh, learned advocate representing the Kolkata Municipal Corporation has filed an inspection report and submits that the tea stall that is presently located in front of the petitioner's shop room and is occupying more than 1/3rd width of the footpath, which is not permissible and, accordingly, steps are being taken to remove the extended structure which is beyond 1/3rd of the width of the footpath. Let a copy of the report filed by Mr. Ghosh today be taken on record.

3. Having regard to the facts noted hereinabove and also noting that the Municipal authorities are in process of taking steps to ensure that the extended portion of the tea stall beyond 1/3rd of area of the footpath is demolished, I am of the view, nothing survives for keeping the instant writ petition pending. However, since the aforesaid tea stall owner has been continuing with the business since 1996 as would appear from the report and since the same is a means of livelihood for the tea stall owner, whose business activities can at best be equated with a street vendor within the meaning of West Bengal Urban Street Vendor (Protection of Livelihood and Regulation of Street Vending) Rules, 2018, I am of the view that the tea stall vending may be permitted by making the stall mobile so that the ingress and egress of the petitioner to its shop room is not interfered with. This order shall not be construed to be an order directing eviction of the tea vendor from the area. He may be permitting to sell tea and continue with his business provided the stall is kept in a mobile state.
4. Municipal authorities and the petitioner must provide adequate assistance to the tea stall owner for making the tea stall mobile.
5. WPO No. 499 of 2025 stands disposed of.

(RAJA BASU CHOWDHURY, J.)