

OD-26

IA No.: GA/1/2024
WPO/700/2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Debabrata Das
Versus
The Kolkata Municipal Corporation & Ors.

Before:
The Hon'ble Justice KAUSIK CHANDA
Date: 8th January 2025

Appearance:
Mr. Rupayan Deb, Advocate
for the petitioner

Mr. Alak Kr. Ghosh, Advocate
Mr. Swapan Kr. Debnath, Advocate
Mr. Suman Basu, Advocate
for the KMC

Mr. Arjun Samanta, Advocate
Mr. Ankit Chatterjee, Advocate
Ms. T. Mancharjee, Advocate
for the applicant

Mr. Manoj Malhotra, Advocate
Mr. Sabyasachi Mondal, Advocate
for respondent no.5

The Court: The petitioner expresses grievance that, despite holding a valid vending licence issued by the Kolkata Municipal Corporation, he has been unlawfully evicted by the respondents from his location at 37/8, Mahatma Gandhi Road, Kolkata – 700009.

An application (GA/1/2024) has been filed by Smt. Mithu Banik, who claims to be the owner of a shop at 37/8, Mahatma Gandhi Road, Kolkata – 700009. The applicant alleges that that the

petitioner previously used to sell tea from a space in front of her shop, but in the year 2023, he constructed a permanent tea stall on the footpath which, she contends, has caused significant disruption to the operation of her business.

The learned advocate representing the Kolkata Municipal Corporation does not dispute the fact that the petitioner was granted a vending licence for a designated vending zone specified as “35A,10,#,#,700009.”

In response, the learned advocate for the petitioner assures the Court that no permanent structure will be constructed on the footpath, and the tea stall will be operated using a movable cart. The applicant in GA/1/2024 has expressed no objection to this proposal.

In light of the above, no further adjudication is deemed necessary. This writ petition is disposed of, permitting the petitioner to operate his tea stall from the aforementioned vending zone using a movable cart. The petitioner must ensure that the applicant in GA/1/2024 does not experience any disruption to the operation of her business.

Accordingly WPO No. 700 of 2024 alongwith GA/1/2024 is disposed of.

(KAUSIK CHANDA, J.)