

16.04.2026
Item No.26
Ct. No. 30
Aloke

WPA 1203 of 2026

**Sukdeb Prasad Sharma Biswas & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Soumya Majumder, ld. Sr. Adv.
Mr. Rajdeep Pramanik
Ms. Simika Roy
..for the petitioners

Mr. Tapas Kr. Roy
... for the State

Ms. Dipanwita Ganguly
... for the private respondent nos. 7 of 32

Mr. Rajib Mukherjee
Mr. Siddhartha Banerjee
Mr. R. Singh
... for the Uttarpara-Kotrung Municipality

1. The writ application has been preferred praying for direction upon the respondent/Municipality to remove the private respondents from the illegally occupied streets in front of the property of the petitioners, on cancelling the trade license of the private respondents, if any.

2. **The next prayer of the petitioners is for direction upon the respondent authorities to extend the plan duly sanctioned on 19.04.2021 and renewed upto 18.04.2026 for a further period of three years.**

3. Learned senior counsel Mr. Majumder appearing for the petitioners submits, that as the encroachment has not been removed till date the petitioners could not make any construction in spite of being granted a plan duly sanctioned on 19.04.2021.

4. Learned counsel for the Municipality submits that as per the Street Vendors (Protection of Livelihood and

Regulation of Street Vending) Act, 2014, it is the State authority who is responsible for removing such encroachment and the Municipality has no role to play.

5. It is further stated that in a Public Interest Litigation being W.P.A. (P) 573 of 2025, the Hon'ble Division Bench, vide an order dated 07.01.2026, was pleased to direct the authorities to consider the case of the street vendors whose removal has been prayed for by the petitioners herein and on giving a hearing to the said encroachers, a reasoned order was passed. It is further stated that a civil suit is also pending before a Civil Court.

6. Mr. Majumder further submits that at this stage, pending removal of the said vendors/encroachers, the petitioners pray for renewal of the plan sanctioned in their favour, which is due to expire on 18.04.2026, for a further period of three years, considering that till date they are unable to make construction as per the sanctioned plan, because of the unauthorized encroachment by the street vendors.

7. Learned counsel for the Municipality submits that for such renewal, the petitioners have to make an application and the same will be duly considered by the Municipality.

8. Accordingly, on hearing the learned counsels for the parties and on perusal of the materials on record and the submissions made by the parties herein, the writ application is disposed of with liberty granted to the petitioners to make an application for renewal of the said plan, which was sanctioned on 19.04.2021 and expires on

18.04.2026 at the earliest and the respondent/Municipality shall consider the said application for renewal expeditiously, preferably within 15 days from the date of application.

9. WPA 1203 of 2026 stands disposed of.

8. Connected application, if any, stands disposed of.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)