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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1739 of 2026

Soma Roy
Versus
Asansol Municipal Corporation & Ors.

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh
Mr. Arindam Chatterjee
Mr. Subham Biswas
Mr. Bishal Mondal
Mr. A. Masud Molla

... For the petitioner

Mr. Saunak Bhattacharya
... For the Corporation.

1. Affidavit of service filed in Court is taken on record.
2. Supplementary affidavit filed in Court is also taken on record.
3. Alleging illegal and unauthorized occupation in respect of the plot licensed in favour of the petitioner by Asansol Municipal Corporation earmarked as parking lots under Auction-cum-Bid notice dated 6th January, 2025 and the failure on the part of the municipality to ensure removal thereof, the present writ petition has been filed.
4. The petitioner would submit that although the petitioner being the highest bidder has obtained licence from the municipality in respect of the land earmarked as parking lots on lease/licence basis, however, by reasons

of illegal occupation on a such portion of the plot by certain vendors, the petitioner is unable to utilize the same for the purpose for which the same was auctioned. Though diverse representations have been made by the writ petitioner, no steps have been taken by the municipality. The petitioner is thus primarily aggrieved with the failure on the part of the municipality to remove unauthorized occupants from the portion of the plot licensed in its favour.

5. Mr. Bhattacharya, learned advocate appears on behalf of Asansol Municipal Corporation.

6. Heard the learned advocates appearing for the respective parties. Though Mr. Bhattacharya has placed reliance on clause 13 of the terms and condition of the bid to demonstrate that the petitioner upon being satisfied with the site condition had accepted the same and that the municipality cannot be saddled with the obligation to remove the unauthorized occupants, however, noting that the municipality had auctioned the said lot for the purpose of parking without disclosing that a portion thereof is under illegal occupation, I am of the view that it is the obligation of the municipality to remove the illegal occupants. Though Mr. Bhattacharya would submit that in absence of the assistance from the police authorities, the municipality is unable to take any steps, the same cannot stand as an excuse. Accordingly, I direct the municipality to remove the encroachment and/or

illegal occupants from its property which have been allotted in favour of the petitioner for being utilized as parking lots, if necessary, by taking assistance from the local police station in accordance with law. If any requisition is made by the municipal authorities for removal of unauthorized occupants from the property owned by the municipality which have been allotted in favour of the petitioner, the concerned police authorities shall act in accordance with law and render assistance.

7. With the above observations and directions, the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)