

30.06.2026

rpan/40

WPA (P) 284 of 2026
Purulia District Congress Committee
– *Versus* –
State of West Bengal & Others

Mr. Kishore Mukherjee,
Mr. Pritam Tewari
... for the Petitioner.
Mr. D. N. Ray,
Mr. Lokenath Chatterjee,
Mr. Guddu Singh
... for the State/Respondents.

The present writ petition has been preferred by Purulia District Congress Committee espousing the cause of about 150 street vendors carrying on small-scale vending activities in and around Raghunathpur bus stand, Natun Bazar road and the stretch upto the Honda Showroom within the jurisdiction of Raghunathpur Municipality.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that by a notice dated 3rd June, 2026, the Chairman of the Raghunathpur Municipality issued a notice directing the vendors illegally occupying the footpath and government land to vacate the encroached area within 7th June 2026. The said notice does not mention the provisions under which the same had been issued. It is just an attempt to forcibly oust the

vendors/occupiers, who are carrying on small-scale vending activities. Such act is to deprive the vendors of their sole source of livelihood. Aggrieved thereby, the petitioner submitted a representation to the respondent no.5 stating *inter alia* that the vendors cannot be evicted as they are protected under the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereinafter referred to as the 2014 Act). However, the said representation was not responded to and as such, the petitioner was constrained to approach this Court by this public interest litigation (in short, PIL).

He further submits that no street vendor can be arbitrarily evicted or relocated until a comprehensive survey is conducted. The judiciary recognizes vending not just as commerce but as a fundamental right to live and in such circumstances, the Court should intervene and prevent the authorities from undertaking any demolition work or anti hawker drive.

Earlier when the matter came up before this Court on 19th June, 2026, Mr. Mukherjee prayed for an accommodation to answer the Court's query as to whether any proceeding has been

initiated against the vendors/occupiers under the provisions of the West Bengal Highway Act, 1964 (hereinafter referred to as the 1964 Act). Let the supplementary affidavit, as filed by Mr. Mukherjee, be kept on record.

Mr. Ray, learned Government Pleader appearing for the State/respondents denies the contention of Mr. Mukherjee and submits that to remove the illegal occupants from the footpath and the highway appropriate proceedings have been initiated under the West Bengal Highways Act, 1964 (hereinafter referred to as the 1964 Act) and the encroachers were given notice. Immediately upon receipt of such notice, the majority of the encroachers have already vacated the area occupied. In respect of the other encroachers, the proceedings under the 1964 Act are still pending.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The petitioner herein has not been able to place before this Court any document to establish that the persons sought to be evicted come within the purview of the 2014 Act. On the contrary, it appears that to remove the alleged encroachers

appropriate proceeding has been initiated under the 1964 Act.

In view thereof, no interference is called for in the present PIL, moreso when, it involves disputed questions of fact.

Accordingly, we are unable to grant the relief as prayed for in the present writ petition.

With the above observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)