

OD-1

WPO/15/2026
THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ARVIND KUMAR PASWAN
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date: 23rd March, 2026

Appearance:

Mr. Piyush Kumar, Adv.

Mr. Sartak Singh, Adv.

Mr. Aditya Sinha, Adv.

... for the petitioner

Mr. Debashis Banerjee, Adv.

Mr. Rakesh Jana, Adv.

Ms. Gargi Roy, Adv.

... for the private respondent no.8

Mr. Nilotpal Chatterjee, Adv.

Mr. Suman Basu, Adv.

...for the KMC

Mr. D. Mukherjee, Adv.

Ms. P. Jana, Adv.

...for the State

The Court : 1. The present writ petition has been filed, inter alia, praying for a direction upon the respondents to remove all the hawkers and/or street vendors who are occupying and running their trade from the pavement near the property in question situated at premises no. 5, Synagogue Street, Kolkata-700 001.

2. The petitioner claims to be carrying out business in his capacity as a tenant from a shop room measuring 25 Sq.ft. situated at premises no. 5, Synagogue Street, Kolkata-700 001. According to the petitioner, the private respondent no.8 engaged in hawking has been illegally encroaching the footpath adjacent to the petitioner's shop room, thereby interfering with the petitioner's business operations. Although, the petitioner had made complaints before the Municipal authorities, since such complaints did not yield any result, the petitioner has been compelled to approach this Court.

3. When the matter came up for consideration on 25th February, 2026, this Court had directed the Municipality to take appropriate instruction by carrying out an inspection of the locale. Since then report has been filed, wherefrom it would appear that both the parties that is the petitioner as also the private respondent were previously illegally occupying the black top road wherefrom they had since, been evicted by due process.

4. Since then the private respondent has been found to be hawking in front of the petitioner's premises being no. 5, Synagogue Street, Kolkata-700 001. As per the report, it would transpire that the hawking activities were being carried out by the private respondents for a long time.

5. Having regard to the disclosure made, I am of the view that it shall only be appropriate at this stage to direct the Municipal authorities to ensure that the private respondent no.8 does not cause any obstruction to the business activities being carried out by the petitioner from its tenanted premises at no. 5, Synagogue Street, Kolkata-700 001.

6. Since nothing survives to be decided in the instant writ petition, the same is accordingly disposed of.

(RAJA BASU CHOWDHURY, J.)

SM/SM.