

OD-02

WPO/27/2026  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

Saraswati Devi Sonkar & Anr.  
Versus  
Kolkata Municipal Corporation & Ors.

Before:  
The Hon'ble Justice RAJA BASU CHOWDHURY  
Date: 20<sup>th</sup> April 2026

Appearance:  
Mr. Mahim Sasmal, Advocate  
for the petitioners  
Mr. Nilotpal Chatterjee, Advocate  
Mr. Suman Basu Advocate  
for the KMC  
Ms. Susmita Chatterjee, Advocate  
for the State

The Court: 1. Complaining of inaction on the part of the municipal authorities to take steps in furtherance to the representation made by the petitioners on 18<sup>th</sup> January 2025, the instant writ petition has been filed.

2. The petitioners would complain that the private respondent has illegally set up a dala/stall in front of the petitioners' premises being no. 111, Netaji Subhas Road, Ward – 42, Borough – V, Kolkata – 700001. The petitioners contend that previously the petitioners had moved before this Hon'ble Court seeking removal of the stall set up in front of the petitioners' premises by a writ petition registered as WPO/661/2024, wherein the petitioners were permitted to make a fresh representation to

the Town Vending Committee of the Kolkata Municipal Corporation. According to the petitioners, the private respondent has shops elsewhere and notwithstanding the same, the private respondent has encroached upon the footpath in front of the petitioners' premises. He submits that the Municipal Commissioner's Circular No.07 of 2019-2020 dated 23<sup>rd</sup> April 2019 does not permit the persons who are shop owner to encroach upon the footpath.

3. Mr. Chatterjee, learned advocate appears for the municipal authorities.

4. Having heard the learned advocates representing the respective parties, I am of the view that since the petitioners have already made a representation dated 18<sup>th</sup> January 2025 in terms of the direction issued by this Court on 20<sup>th</sup> November 2024, the same should be disposed of by the municipal authorities after necessary inspection and enquiry to be made by the municipal authorities/Town Vending Committee, as regards the claim made by the petitioners.

5. It is made clear that under no circumstances the municipal authorities shall permit the private respondent to interfere with the egress and ingress of the petitioner's premises.

6. The writ petition thus stands disposed of.

(RAJA BASU CHOWDHURY, J.)