

OD – 2

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO(P)/9/2021
AKSHYA KUMAR SARANGI
VS.
THE STATE OF WEST BENGAL AND ORS.

BEFORE :
THE HON'BLE JUSTICE T.S.SIVAGNANAM
A N D
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
DATED : NOVEMBER 29, 2021.
[Via Video Conference]

Appearance :
Mr. Srikanta Dutta, Advocate
Ms. Rituparna Sarkar Dutta, Advocate
Mr. Jayanta Kumar Dhar, Advocate
...for petitioners
Mr. Alok Kumar Ghosh, Advocate
Ms. Era Ghosh, Advocate
...for respondent/KMC
Mr. Amitesh Banerjee, Sr. Advocate
...for State of W.B.

The Court :- Heard Mr. Srikanta Dutta, learned Counsel for the petitioner and Mr. Amitesh Banerjee, learned Senior Standing Counsel for the State and Mr. Alok Kumar Ghosh, learned Counsel for second respondent/Kolkata Municipal Corporation.

It is submitted by the learned Counsel for the second respondent/Corporation that respondent Board has been dissolved. This writ petition focuses a very important issue which concern the public at large. On going through the material papers placed before us we find that

the petitioner has been pursuing the matter for several years and this is the third writ petition where the petitioner seeks for a direction upon the authorities to implement provision of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the 2018 Rules framed thereunder and for an incidental and ancillary relief. We find that the Act came into force in the year 2014, the rules were not framed which necessitated the petitioner to come before this court and only after direction was issued by the Hon'ble First Bench of this Court the Rules were notified in the year 2018. We find nothing has happened thereafter and the matter has been put in the cold storage.

Learned Counsel for the second respondent/municipal Corporation requests time to get instruction and file their affidavit. We wish to point out that the State of West Bengal and the Kolkata Municipal Corporation should not treat this litigation as an adversarial litigation but should take all proactive steps to ensure that the provisions of the Act are implemented. There is a duty cast upon the State to implement the provisions of the Act which came to be enacted after the decision of the Hon'ble Supreme Court in the case arising from the State of Maharashtra. Thus the concerned official of the Municipal affairs department should take a serious view in the matter and place before this Court an action taken report or a route map as to how they propose to proceed in the matter. Let such affidavit be filed by the Municipal

Commissioner, Kolkata Municipal Corporation as well as the Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs, Government of West Bengal within four weeks from date. Let advance copies of this affidavit be served on learned Counsel for the petitioner within three days from the next hearing day. Reply if any, within two weeks from the date of receipt of the copy of the affidavit/affidavits as mentioned above.

We are confident that the State of West Bengal and the Kolkata Municipal Corporation will take necessary steps in the process of implementation of the Act and pendency of this writ petition should not be cited to be a roadblock for such purpose.

Affidavit of service is taken on record.

List the matter on 12th January, 2022.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)