

16.09.2025
Item No.19
gd/ssd

WPA(P)/381/2025
MUKTOKANTHO MAHILA SAMITY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Purbayan Chakraborty,
Mr. Deeptangshu Kar
..for the Petitioner.

Ms. Sumita Shaw,
Mr. Soumen Chatterjee
..for the State.

Mr. Alak Kumar Ghosh,
Mr. Gopal Chandra Das
..for KMC.

1. Affidavit of service is taken on record.

2. Learned counsel for the petitioner submits that the Hon'ble Supreme Court passed the judgment in *Olga Tellis v. Bombay Municipal Corporation* reported in (1985) 3 SCC 545 and dealt with question of right to shelter. Thereafter through office memo dated 13th December, 2013 the Ministry of Housing & Urban Poverty Alleviation (UPA Division), Government of India issued a NULM operational guidelines for "Scheme of Shelter for Urban Homeless".

3. Learned counsel for the petitioner further submits that pursuant to an order passed by Hon'ble Supreme Court in WP(C) No.55 of 2003 (order dated

23.11.2017), State Level Monitoring Committee was constituted. One of the Member of the Committee, Ms. Anuradha Talwar, sent a Mail to KMC and other high officials of the Government requesting them not to evict the homeless residing under the bridge unless an alternative arrangement for shelter is made. The fear of petitioner is that they may be evicted without following due process and without providing them alternative arrangement of shelter.

4. Learned counsel for the KMC submits that providing alternative shelter will be a policy decision which is to be taken by the government.

5. He undertakes to obtain instruction and file affidavit-in-opposition

6. Learned counsel for the State submits that KMC, its Municipal Commissioner wrote Letter No.Con/Com/56/2025-26 dated 11/08/2025.

7. By placing reliance on the first paragraph which reads thus:

“As desired by the higher authority, vagabonds from following locations in KMC area have to be removed and rehabilitated in the nearest urban shelter (Shelter for Urban Homeless (SUH) for ensuring public safety and simultaneously providing support to vulnerable individuals. The joint anti-encroachment drives for removal of the vagabonds will be carried out thrice a month i.e., on the 3rd, 13th and 23rd day of each month at 12 noon at the following locations.”

It is submitted that the persons residing can be removed only when rehabilitation arrangement is made.

8. We record this statement which is canvassed before us by learned Government advocate.

9. In view of this statement, at present there is no need for passing any interim order.

10. However, liberty is reserved to the petitioner to prefer appropriate application and mention the matter for out of turn hearing, in case of any threat of removal of the petitioner.

11. Let affidavit-in-opposition be filed within three weeks by the State Government and KMC; exception (if any) may be filed within two weeks therefrom.

12. List thereafter.

(SUJOY PAUL, J.)

(SMITA DAS DE, J.)