

10-09-2025
Item No.30
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.10722 of 2025
Mirza Arshad Baig
-vs-
The State of West Bengal & Ors.

Mr. Rabiuddin Ahmed ...for the petitioner

Mr. Sourav Mitra
Mr. Subrata Mukherjee ...for the State

Ms. Papiya Banerjee Bihani ...for PCB

Mr. Alak Kumar Ghosh ...for KMC

Mr. Anjan Sinha ...for the private respondents

1. The petitioner alleges that the private respondents are carrying on business of scrap dealing. They use the entire footpath for keeping the scrap materials thereby obstructing free movement. The business continues for the entire day and also during the night time. Repeated requests made before the police to remove scrap did not merit any result. Prayer has been made to direct the respondent authorities to initiate proceedings against such illegal activities of the private respondents. The petitioner has annexed photographs in support of his submission.
2. Learned counsel for the private respondents submits that his clients are carrying on business as per the license issued by the Kolkata Municipal Corporation.
3. Learned counsel for the State relies on a report

forwarded by the Officer-in-Charge of Karaya police station signed on September 8, 2025 wherefrom it appears that the complaint of the petitioner was verified and that the police registered a case vide Karaya PS Case No.137 dated May 16, 2025 under section 285 BNS against some accused. During investigation some scrap materials were seized. After completion of the investigation, charge-sheet vide No.118 of 2025 was submitted against the accused before the learned trial court on August 11, 2025.

4. As the complaint of the petitioner was inquired by the police and prima facie the allegations made therein have been found to be proper, accordingly, the Officer-in-Charge of Karaya police station is directed to take steps to remove all articles from the footpath in front of premises no.13A, West Row and 45C, Karaya Road Kolkata-700 017. It will be open for the Officer-in-Charge to take assistance of the superior authority for removal of the scrap materials from the footpath, if required.
5. The Corporation shall ensure that the footpath remains unoccupied and free for pedestrian movement.
6. The private respondents are restrained from keeping their scrap materials obstructing the footpath.
7. An updated report from the Officer-in-Charge of Karaya police station shall be placed before this Court on the returnable date.
8. Relist on September 17, 2025.
9. Leave is granted to the learned advocate representing the private respondents to file *vakalatnama* in the department by Friday.

10. Affidavit of service filed in Court be taken on record.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]