

09.09.2026
Ct. No.446
Sl. No.5
akd

W. P. A. 24235 of 2026

[Ranjit Chakraborty & Ors. -Vs- The Kolkata Municipal Corporation & Ors.]

Mr. Pontu Deb Roy
Mr. Neil Basu
Mr. Avidipta Paul

... ... for the petitioners

Mr. Billwadal Bhattacharyya ..ld. A.A.G.
Mr. Srijib Chakraborty

... ... for the KMC

Mr. Lokenath Chatterjee
Ms. Sneha Chatterjee

... ... for the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Mr. Pontu Deb Roy, learned Advocate appearing for the petitioners, submits that an attempt was made by the petitioners to effect service of a copy of this writ petition upon the private respondents. However, the private respondents have refused to accept the same. He further submits that the petitioners have been operating and/or running a painting shop from their shop room situated at 60, Lenin Sarani, Kolkata – 700 013. He also submits that suddenly, the private respondents have encroached upon a portion of the footpath in front of the shop room of the petitioners and have constructed a temple with a boundary wall. Such action has resulted in complete closure of the shop room of the petitioners and stalled their business activities.
3. Referring to a circular dated 23rd April, 2019, Mr. Deb Roy submits that in the circular, the Municipal Commissioner had directed that if the Borough Executive Engineer (Civil) notices incident of encroachment on a footpath of like nature, he is

obligated to take appropriate action to remove such encroachment. He further submits that this fact of encroachment was brought to the notice of the concerned Municipal Commissioner by the petitioners by submitting a representation. However, despite receipt of such representation, no steps have been taken.

4. Mr. Billwadal Bhattacharyya, learned Additional Advocate General, appearing for the Kolkata Municipal Corporation, submits that for effective adjudication of this writ petition, the presence of the private respondents is required. He submits that the Officer-in-charge, Taltala Police Station be directed to effect service of a copy of this writ petition upon the private respondents.

5. In view thereof, the petitioners are directed to hand over three copies of the writ petition to Mr. Lokenath Chatterjee, learned Advocate appearing for the State/respondents, in course of this day. Mr. Chatterjee is directed to effect service of the copies of the writ petition upon the private respondents through the Officer-in-charge, Taltala Police Station in order to ensure their participation in the proceeding.

6. List the matter for further consideration on 11th September, 2026.

(Partha Sarathi Chatterjee, J.)