

22.12.2025
Ct. 3
Item No.
AD 07
sayandeep

WPA 29837 of 2024

**Smt. Rama Paul
Versus
The State of West Bengal & Ors.**

Mr. Sandip Ray
..... for the petitioner

Mr. A.K. Ghosh
Ms. T. Dasgupta
..... for the KMC

Ms. Sipra Majumder
Ms. Somashree Dey
..... for the State

Mr. S.K. Das
Mr. S. Chatterjee
Mr. Rohan Bavishi
Mr. S. Bhattacharjee
..... for the respondent Nos. 7 & 9

1. The affidavit-of-service filed in Court today be taken on record.
2. The present writ petition has been filed, inter alia, praying for removal of the illegal constructions on the footpath adjacent to the petitioner's property situated at 441/4, Upendra Nath Banerjee Road, Ward No. 131, KMC. The petitioner would submit that the petitioner's egress and ingress to the aforesaid property has been interfered with by three several shops who are represented by respondent Nos. 7, 8 and 9.
3. Insofar as the municipality is concerned, it is submitted by Mr. Ghosh, learned advocate

representing the municipality that he is not aware of the representation made by the petitioner.

4. The private respondent Nos. 7 and 9 are represented in Court today. A photograph has been placed on behalf of the respondent Nos. 7 and 9 to demonstrate that there is an existing shop room standing in front of the newly constructed building. The aforesaid shop room according to the learned advocate for the respondent Nos. 7 and 9 has the sanction of the municipal authorities to operate. In support thereof, the certificate of enlistment issued by the KMC for running the shop under the name and style on "*M/s Ram Fish Shop*" for the financial year 2004-05 has been disclosed. A statutory certificate issued by the FSSAI dated 6th May, 2022 has also been disclosed. The bunch of documents as placed before this Court along with the photograph is taken on record.
5. Having regard to the peculiar state of affairs and since prima facie, it would transpire from the photograph disclosed by the private respondents that the shop room is occupying at least a portion of the footpath and at present obstructing the petitioner's premises, I am of the view that the municipal authorities should immediately conduct an inspection and file a report before this Court as to whether any such shop room which is seen on

the photograph has been given permission and/or any certificate of enlistment to run the business without the certificate identifying any particular/specific business address, has been issued. This Court has been prompted to issue the aforesaid direction since the certificate of enlistment disclosed by the private respondent No. 9 discloses business address as “Upendra Nath Banerjee Road” without identifying the particular address thereof. It is made clear that if the aforesaid certificate of enlistment has been issued in breach of the statutory provisions, appropriate steps should be taken by the municipal authorities in accordance with law.

6. List this matter for further consideration under same heading on 29th January, 2026.

(Raja Basu Chowdhury, J.)