

01.04.2026  
Ct. 3  
Item No.  
AD 01  
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. Tanushree Dasgupta  
..... for the KMC  
Ms. Sipra Majumder  
Ms. Somashree Dey  
..... for the State  
Mr. S. Chatterjee  
Mr. Rohan Bavishi  
Mr. S. Bhattacharjee  
..... for the respondent Nos. 7 to 9

1. The present writ petition has been filed, inter alia, praying for removal of illegal constructions on the footpath adjacent to the petitioner's property situated at 441/4, Upendra Nath Banerjee Road ward No. 131, KMC.
2. The petitioner submits that the petitioner's egress and ingress to the aforesaid property has been interfered by three several shop rooms who are represented by respondent Nos. 7 to 9.
3. The municipality has filed a report. Accordingly, on 16<sup>th</sup> February, 2026, this Court considering such report was pleased to pass the following order:

*"Pursuant to the order dated 29<sup>th</sup> January, 2026, the municipality has filed a report. Let*

*the same be taken on record. From the report, it would transpire that the footpath abutting the petitioner's property at premises No. 441/4 Upandranath Banerjee Road, Kolkata has been illegally encroached. The report records that width of the aforesaid footpath is found to be 12 to 13 feet and the existing shop rooms have covered around 8.5 feet in width and 27 ft in length of the footpath. According to such report, out of three shops, two certificate of enlistments have been issued one, in favour of Raju Poddar for his business name 'Mr. Repair' having two addresses being 388, Upandranath Banerjee Road and Airport road, and another certificate of enlistment in favour of Bishna Ram. No certificate of enlistment is found in the system against the fast Food Centre situated there.*

*Upon going through the aforesaid report, prima facie, it would transpire and as acknowledged by Mr. Ghosh, learned advocate representing the municipality that no certificate of enlistment could have been issued by the municipality for carrying on business on the footpath adjacent and abutting the petitioner's property at 441/4 Upendranath Banerjee Road Kolkata. This apart, the certificate of enlistment appears to have been issued having different premises number. Ordinarily, therefore, the aforesaid shop rooms which have encroached on the footpaths cannot be permitted to be retained on the footpath in front of and adjacent to the petitioner's property.*

*However, at this stage, since Mr. Das, learned advocate representing the respondent Nos. 7*

*and 9 would submit that the respondent Nos. 7 and 9 are willing to file an undertaking before this Court that the said respondents shall re-locate by vacating the footpath and some time is necessary since, the above shop rooms are the only means of livelihood for the above respondents, thus, considering such fact, and the entirety of the matter, I am of the view that in the event, the private respondents do file an undertaking in the form of an affidavit before this Court undertaking to remove the entire shop room from the footpath adjacent to and abutting the petitioner's property at premises No. 441/4 Upandranth Banerjee Road Kolkata within a period of 2 weeks from date undertaking that the shop rooms shall be removed within four months from date, the municipal authorities shall not take any steps against such persons till the next date. In the event, the aforesaid affidavits are filed, the Court will consider granting such time as it may deem fit so as to afford such persons appropriate time to re-allocate.*

*The aforesaid order must be communicated to the non-appearing respondents.*

*List the matter for further consideration on 5<sup>th</sup> March, 2026."*

4. Since thereafter, Mr. Chatterjee learned advocate representing the respondent Nos. 7 to 9 has placed before this Court an affidavit of the respondent No. 7 undertaking that the said respondent shall vacate the space in front of the footpath within a period of 6 months. Let the undertaking in the form of an

affidavit filed by the respondent No. 7 in Court today be taken on record.

5. Since the other respondents have not filed any undertaking before this Court, I am of the view, there is no scope to grant any further time to such respondents. Accordingly, the municipality is directed to take appropriate steps and ensure that the footpath adjacent to the petitioner's property situated at 441/4, Upendra Nath Banerjee Road ward No. 131, KMC is made obstruction free.
6. Insofar as the respondent No. 7 is concerned, the municipality shall not proceed for a period of 6 months subject to however, the municipality carrying out an inventory of the shop room of the respondent no.7 to ascertain its area, and the said respondent agreeing to vacate the same within the aforesaid period by providing the undertaking in terms of the inventory with the municipality.
7. List this matter for compliance on 30<sup>th</sup> April, 2026.

**(Raja Basu Chowdhury, J.)**