

OD-1 and 2

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1792/2022
IA NO.GA/2/2024, GA/3/2024

LANSDOWNE MARKET BYABASAYEE SAMITY AND ANR.
Vs.
KOLKATA MUNICIPAL CORPORATION AND ORS

With

WPA/1787/2025

SUSMITA BHOWMICK & ORS.
Vs.
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

With

WPO/35/2025

BISWANATH PAUL
VS.
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 27th January, 2025

Appearance:
Mr. Anindya Lahiri, Sr. Adv.
Mr. Puspall Chakraborty, Adv.
Mr. Samrat Dey Paul, Adv.
Prisanka Ganguly, Adv.
...for the petitioners in
WPO/1792/2022 and
WPO/35/2025

*Mr. Alak Kr. Ghosh, Adv.
Ms. Manisha Nath, Adv.
...for the petitioners in
WPA/1787/2025*

*Mr. Biswajit Mukherjee, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. Arijit Dey, Adv.
...for the KMC*

*Mr. Manoj Malhotra, Adv.
Mr. Manoj Kr. Mondal, Adv.
...for the State in
WPO/1792/2022*

WPA/1787/2025

The Court: The Corporation does not dispute the status of the petitioners as recorded permit holders authorised to operate their businesses from their respective shop rooms in Lansdowne Municipal Market.

The proposal for the redevelopment of the market has been pending for an extended period.

Mr. Ghosh, learned counsel for the petitioners, submits that although the petitioners have not been permitted to relocate temporarily, the Corporation has disconnected the water supply, and the petitioners have been prohibited from using the toilet facilities, thereby causing significant hardship in the operation of their businesses.

These allegations are denied by the Corporation as well as by Respondent No. 9, who claims to be the developer.

It is undisputed that, as per the agreement between the parties, the existing permit holders are to be temporarily relocated in the first phase. Subsequently, upon the completion of the market's redevelopment, they will be permanently rehabilitated in the newly constructed building.

In light of the above, I am of the view that the petitioners' current business operations should not be obstructed unless they are allowed to relocate to the temporary accommodation as agreed between the parties.

Accordingly, the following orders are passed:

Mr. Tirthankar Dey, learned advocate (Mob. No. 8981758340), is hereby appointed as Special Officer.

In the presence of the Special Officer, the Corporation and the representative of Respondent No. 9 shall identify the premises where the petitioners are to be temporarily relocated. The Special Officer shall visit the premises on February 1, 2025.

The Special Officer need not issue any separate notice, as all parties are present before this Court.

The Special Officer shall be remunerated an amount of Rs. 30,000/- by the petitioners.

The Special Officer shall submit his report two weeks from the date of the visit, when the matter shall be listed for consideration as "Motion."

In the meantime, neither the Corporation nor Respondent No. 9 shall interfere with the petitioners' day-to-day business operations.

(KAUSIK CHANDA, J.)