

ADSL 01
25.08.2026
Sayandeep/sb
Ct.3.

WPA 22671 of 2026

Tangra Dhapa Hawkers Samiti & ors.
Versus
KMC & Ors.

Mr. Sabyasachi Chatterjee
Mr. Rishabh Ahmed Khan
Mr. Dipankar Das
Mr. D. Ghosh

... For the petitioners.

Mr. Billwadal Bhattacharyya, Ld. AAG
Mr. Srijib Chakraborty

... For the KMC

Mr. Loknath Chatterjee
Ms. Sneha Chatterjee

... For the State

1. The present writ petition was mentioned in the morning citing extreme urgency and accordingly has been listed in the daily supplementary list. The same is taken up upon notice to the respondents. The learned advocate for the petitioners would submit that the petitioner nos. 1, 3 and 5 are registered Hawkers Union and have approached this Court to seek protection of their livelihood which is protected in terms of the Section 2(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. According to the petitioners, the members of the petitioners are persons who carry on vending and hawking activities in different areas on Dhapa Road and adjoining localities which are falling within jurisdiction of the Kolkata Municipal Corporation (KMC). The petitioners claim that the vending

constitute the sole source of livelihood of members of all three petitioner organizations. Photocopy of the representative list of members of the three petitioner organizations have been disclosed in the writ petition. The petitioners are aggrieved with the notice dated 3rd August, 2026 appearing at page 187 of the writ petition. According to the petitioners, on 3rd August, 2026 for the first time the petitioners came across the public eviction notice which was pasted on the outer wall of the shops, which appears to have been signed on 3rd August, 2026 by the Executive Engineer (c), borough VII, KMC. He has also drawn attention of this Court to the minutes of the 29th meeting of the Town Vending Committee, Kolkata held on 27th June, 2026 and would submit that in such meeting, it was observed by the members of the committee that the list of no vending zone though is available with the market department and licence department, yet there is no proper notification of the same. According to him, in absence of such notification and when the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 affords the protection to the petitioners, the right to carry on trade and business should not be interfered with which is otherwise protected under Article 19(1)(g) of the Constitution of India.

2. The learned Additional Advocate General appears on behalf of the KMC. He has placed before this Court a report issued by the Executive Engineer (C), Borough VII

dated 25th August, 2026. As per the aforesaid report, the Active Area apartment owners' association had lodged a complaint and on the basis of the same, a drive was held and it was noted that certain permanent and temporary structures exist over the existing KMC footpath which is creating obstruction to the easy movement of the local people. Accordingly, a notice was served noting the violation of Section 371 of the KMC Act, 1980 (in short the said Act) read with Section 516 of the said Act and 15 days time has been given to the encroachers to relocate from the date of service of such notice. The Additional Advocate General has also drawn attention to this Court to the complaint dated 24th June, 2026 and the photographs annexed thereto to demonstrate shops with shutters have been identified which have been unauthorizedly set up and erected in violation of Section 371 of the KMC Act, 1980. A copy of the aforesaid report along with the related documents as placed before this Court be taken on record.

3. Having heard the learned advocates appearing for the respective parties and noting that the petitioners are only street vendors (though nothing has been placed before this Court to demonstrate that they are authorized street vendors/hawkers), however, having regard to the disclosure made by the learned Additional Advocate General, it appears that the municipal authorities are only trying to remove the encroachments on public street in the form of structures which have some sort of

permanency, I find that Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, does not protect illegal and unauthorized construction. The petitioners cannot take shelter of the same to protect unauthorized construction and encroachment on public street. What is protected under the said Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, is the right to carry on vending activities that too in a vending zone, and the right against eviction in certain cases.

4. Having regard thereto, this Court is not inclined to interfere. It may also be noted that the learned Additional Advocate General has clarified that the vending carts which though are not movable, to afford an opportunity to the owners of such carts/vendors to make the same movable, additional time shall be provided and if, within such additional time appropriate steps are taken to make such carts movable in accordance with the provisions contained in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the notice dated 3rd August, 2026 shall not be implemented insofar as such street vendors are concerned.

5. In the light of the above, nothing survives for further consideration, as such the writ petition stands disposed of.

6. Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)