IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.3 **02.11.26**
Item No.5,6(VC) Sws.M

WPA 26547 of 2026

Ayush Kumar Murarka and Ors.
VS.
The State of West Bengal & Ors.
with
WPA 28503 of 2026

More Retail Pvt. Ltd
VS.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharyya
Ms. Pujal Musahib
.....for the petitioners
in WPA 26547 of 2026

Mr. Ritoban Sarkar
Mr. Andolan Sarkar
Ms. Disha Basu Chowdhury
Mr. Subhodeep Adhikari
.....for the petitioner
in WPA 28503 of 2026

Mr. D. N. Ray, ld. GP
Mr. Dibashis Basu, ld. AGP
Ms. Jayita Dhar Chakraborty, JGA
Mr. Sailendra Kumar Tiwary
Mr. Chandrachur Lahiri
.....for the respondent/State
in WPA 26547 of 2026

Mr. D. N. Ray, ld. GP
Mr. Suryaneel Das, ld. AGP
Ms. Jayita Dhar Chakraborty, JGA

.....for the respondent/State
in WPA 28503 of 2026

Mr. Debanjan Mukherjee
Mr. Dipankar Ghosh

.....for the KMC

Ms. Sreemoyee Mitra

.....for the CESC Ltd.

1. A fire incident took place on 19th August, 2026 at about 2.07 a.m. at the premises No. 15G, Mirza Ghalib Street, Kolkata – 700016. On the same day, i.e., on 19th August, 2026, the Divisional Fire Officer-in-Charge, South Kolkata Division, West Bengal Fire & Emergency Services by an order dated 19th August, 2026, in exercise of the power vested in him under Section 37A(1) of the West Bengal Fire Services Act, 1950 (hereafter 'the said Act') directed the residents and /or occupiers of the said premises to vacate the same within one hour from the service of that order. Accordingly, the premises were vacated by the petitioners and other occupants.
2. The petitioners, by filing this writ petition have, *inter alia,* challenged the order dated 19th August, 2026 passed by the respondent No. 3.
3. The writ petition was taken up by a Co-ordinate Bench on 28th October, 2026 and a request was made by the writ petitioners to collect their personal belongings and other essential documents/articles from the said premises. The said Co-ordinate Bench, by the order dated 28th October, 2026 directed the Officer-in-Charge, New Market Police Station to be present today in order to ascertain a suitable date and time for the occupants to visit the subject premises.

4. Ms. Manasi Karmakar, Sub-Inspector, New Market Police Station is present today in Court.
5. Mr. Ray, learned Government Pleader handed over a letter dated 2nd November, 2026 issued by the Officer-in-Charge, New Market Police Station, informing this Court that the necessary inspection for removal of articles can be held on 5th November, 2026. The letter dated 2nd November, 2026 is taken on record.
6. In view of the above, let a joint inspection be conducted from 5th November, 2026 to 7th November, 2026 between 10 a.m. and 3.00 p.m. in order to enable the petitioners to collect their belongings and relevant essential documents, Bank papers etc. in the presence of the Officer-in-Charge of the New Market Police Station or any authorised officer of the concerned Police Station and a responsible officer of the Fire Department, Government of West Bengal.
7. The petitioners, subsequent to the order dated 19th August, 2026, made a representation to the Divisional Fire Officer-in-Charge on 27th August, 2026 and it has been submitted by Mr. Bhattacharyya, learned counsel appearing for the writ petitioners that the same has not been considered by the said Officer till date.
8. Section 37A(4) of the said Act provides that no person shall remove such seal except under a written

order made by the Director or the superior nominated authority *suo motu* or on an application made by the owner or occupier.

9. Accordingly, I direct the respondent No. 2 to consider the representation of the petitioners dated 27th August, 2026 within two weeks from the date of communication of this order after extending an opportunity of hearing to the petitioners and any other occupiers or owners or interested persons and to pass a reasoned order within a week from the date of such hearing, in accordance with law.

10. Both the writ petitions stand disposed of.

(Arjun Ray Mukherjee , J.)