

20.10.2026
Item No.
Suppl - 1
Court No.07
RUP/KCP

WPA 31289 of 2026

**Communist Party of India (Marxist)
- Versus -
State of West Bengal & Ors.**

Mr. Abhijit Mondal

....for the petitioner

This is an urgent matter, as mentioned by the writ petitioner seeking protection against the actions of the police authority regarding forcibly removing, dismantling or causing damage to the petitioner's temporary bookstall situated in front of Jadavpur coffee house.

Considering the urgency, this Hon'ble Court was pleased to hear the said application on urgent basis.

Records reveal that the petitioner is a political organization functioning through its Jadavpur 1 Area Committee and is engaged, inter alia, in various activities including the propagation of different political view points and distributions of various literary work.

It further appears that they are organizing bookstall for last 49 years in front of Jadavpur coffee house during the Durga Puja. Keeping with the said practice, the petitioner proposed to operate this temporary bookstall from 13th October, 2026 to 22nd October, 2026 with a specific dimension of 16 ft. by 20 ft. That for the purpose of running the said

bookstall, the petitioner applied for permission to the office of Assistant Director SWM-I, Borough – X, Kolkata Municipal Corporation and also a letter was communicated to the concerned Officer-in-Charge indicating setting up of a bookstall from 13th October, 2026 to 22nd October, 2026.

It further appears that an amount of Rs.3208/- was also deposited with the department of KMC on account of installation of temporary bookstall in front of Jadavpur Super Market on and from 13th October, 2026 to 22nd October, 2026. Suddenly on 17th October, 2026 at approximately 6:30 p.m., some persons claiming to be an official of the Kolkata Municipal Corporation arrived at the site accompanied by a substantial police contingent, and a bulldozer and attempted to remove the petitioner's bookstall.

Hence, this writ application has been filed for the following reliefs :

a) Issue a writ in the nature of Mandamus commanding the respondents, particularly the Kolkata Municipal Corporation, its officers and the respondent police authorities, to refrain from forcibly removing, dismantling or causing damage to the petitioner's temporary bookstall situated in front of Jadavpur Super Market, beneath the Indian Coffee House, Jadavpur, Kolkata, except by the authority of law and

in strict compliance with the procedure prescribed by law;

b) Issue a writ in the nature of Certiorari directing the respondents to produce and transmit before this Hon'ble Court all records, orders, directions and documents forming the basis of the attempted eviction of the petitioner's bookstall on 17.10.2026, at approximately 6:30 p.m., for conscionable adjudication of the legality and propriety of the impugned action;

c) Direct the competent municipal authority to consider the petitioner's prior application dated 19.09.2026, the communication dated 20.09.2026 addressed to the Officer-in-Charge, Jadavpur Police Station, the electronic-mail communication dated 08.10.2026 addressed to the senior police authorities, and the receipt evidencing payment of ₹3,200/-, and to pass a reasoned decision in accordance with law, if any issue concerning permission or compliance remains unresolved.

d) Pending disposal of the instant writ petition, pass an interim order restraining the respondents from forcibly removing or dismantling the petitioner's temporary bookstall by deploying bulldozers, municipal machinery or police personnel, otherwise than in accordance with lawful authority and the procedure prescribed by law.

e) An ad-interim order directing the respondents to stay the process of demolition with immediate effect.

f) Costs and incidental charges.

g) Any other Order or Orders, Direction or Directions as Your Lordships may deem fit and proper.

That an advance copy of the writ application has been served upon the respondents intimating the matter will appear on 20th October, 2026. Let the same, as produced, be kept with the record. None appears for the respondents.

Heard the learned advocates appearing for the petitioner and perused the materials on record.

That the petitioner prayed for permission to running the bookstall in front of Jadavpur Coffee House from 13th October, 2026 to 22nd October, 2026.

Running of the aforesaid bookstall an application for permission was also made on 19th September, 2026 and an amount was also deposited with the Kolkata Municipal Corporation for grant of such permission. Therefore, by the aforesaid acts of the petitioner, itself proves that obtaining permission is mandatory before running of the bookstall, and therefore, such application was made. The receipt showing of depositing money was accepted subject to police permission.

In the present case, it is admitted fact that no permission was granted to the petitioner for running the bookstall.

The similar question came up for consideration before this Hon'ble Court in MAT 1881 of 2026 with I.A. No.CAN 1 of 2026 [The Superintendent of Police, Bongaon Police District & Anr. Versus Communist Party of India (Marxist) & Ors.] in WPA 29837 of 2026 [Communist Party of India (Marxist) & Anr. Versus The State of West Bengal & Ors.] wherein the Hon'ble Division Bench on the similar facts categorically held *'21. The learned Additional Advocate General has taken instructions from a concerned officer related to the police station, that they would find out whether Respondent No.5 was given the permission to erect the bookstall, now that the stall has already been erected and which is visible in pictures placed before us. We, therefore, expect the learned Additional Advocate General to ensure that the concerned police authorities would investigate into whether Respondent No.5 has the permission to erect a bookstall and if no such permission is sought and granted, immediate steps would be initiated to remove the said bookstall. We also record that any party, who approaches the Court, will have to be first establish whether the said party has a permission for erecting a stall'*.

In view of the law laid down by the Hon'ble Division Bench in MAT 1881 of 2026, a person who approaches the Court will have to be first established whether the said party has a permission for erecting a stall or not. Therefore, the protection as sought for by the petitioner requires establishing, that they had a valid permission to run the bookstall. In the present case, such permission is absent.

In view of the law declared by the Hon'ble Division Bench, the writ petitioner is not entitled to any relief as prayed for.

Accordingly, the writ petition is liable to be dismissed and the same is, accordingly, dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Partha Pratim Roy, J.)