

15.10.2026
Court No. 12
Item No.09
Cp

MAT 1803 of 2026
With
CAN 1 of 2026

Raj Agarwal alias Rajesh Agarwal
Vs.
The State of West Bengal & Ors.

Ms. Upasana Shaw
Mr. Rishabh Karnani

..... for the Appellant.

Dr. Madhusudan Saha Ray
Ms. Shruti Dutta

... for the State.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh

.....for the Bally Municipality.

1. Affidavit of service is taken on record.
2. Despite service, none appears on behalf of the private respondents.
3. The appeal arises out of an order dated September 21, 2026, passed in WPA 15797 of 2026.
4. The appeal is disposed of with a direction upon the Bally Municipality to ensure that the ingress and egress to the appellant's garage is not obstructed on account of any kind of construction or stacking of debris by the residents of the building. Free movement of the appellant's vehicle shall be ensured.
5. We are of the view that, the issue as to whether the municipality has a duty to remove debris and garbage from the compound is required to be

decided by His Lordship. Every household must maintain a hygienic and healthy environment. Matters concerning public health, sanitation and hygiene are within the purview of the municipality.

6. Under such circumstances, the portion of the order dealing with disposal of the writ petition is set aside.
7. The matter is remanded for a decision on the limited issue as to whether the municipality has a statutory duty to ensure that the citizens residing in the locality perform their civic duties and not commit any nuisance, so as to cause inconvenience and health hazards to the society at large.
8. Stacking of garbage and debris inside the premises is a cause for health hazards and, as such, whether such action assumes the nature of public tort, thereby, casting a duty upon the municipality to remedy such wrong, shall be decided by His Lordship.
9. Accordingly, the appeal and the connected application are disposed of. The writ petition is remanded.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)