
(2013) 03 CAL CK 0050
In the Calcutta High Court
Case No : Writ Petition No. 5389 (W) of 2013

Eden Media Private Limited	Vs	APPELLANT
State of W. Ben.		RESPONDENT

Date of Decision : 13-03-2013

Acts Referred:

Citation : (2013) 3 CHN 583

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Pradyumna Sinha and Sirsanya Bandyopadhyay, for the Appellant; Susovan Sengupta, for State, Ashok Banerjee, G.P., Sandip De and Tanushree Dasgupta for the KMC, for the Respondent

Final Decision : Dismissed

Judgement

Jayanta Kumar Biswas, J.—Sinha appearing for the petitioners in the WP under Art. 226 of the Constitution of India dated February 19, 2013 has submitted as follows. The petitioners have been permitted to erect hoardings. They have learnt that in execution of a policy decision taken by the State Government KMC has made arrangements for dismantling the hoardings. Hence they need an order restraining the respondents from dismantling the hoardings without notice and hearing. Mr. Government Pleader has appeared for KMC and submitted as follows. The allegations are absolutely incorrect. KMC has an open-ended programme to dismantle all illegal hoardings. It is in execution of its ongoing programme that officials of KMC have been visiting different parts of the city for locating the illegal hoardings for taking further steps. There is no question of dismantling any lawful hoarding without initiating proceedings according to law.

2. Mr. Sengupta appearing for the State has submitted as follows. The State Government has not taken any policy decision to dismantle any lawful erected hoarding. Illegal hoardings erected by anyone can be dismantled by KMC in execution of its open-ended ongoing programme.

3. In view of the above-noted submissions, I do not see any reason to entertain this WP based on the apprehension that hoardings lawfully erected by the petitioners would be wrongfully dismantled by KMC. It has been submitted on behalf of the State Government and KMC that no step for dismantling any lawfully erected hoarding will be taken without following the due process of law. For these reasons, I dismiss the WP. No costs. Certified xerox.