11.09.2026
Item No.2
Ct. No.1
PG/KS

WPA(P) 418 of 2026

Shymal Naiya & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Ms. Saloni Bhattacharya…..for the Petitioners

Mr. D.N. Ray, Ld. GP
Mr. Ajit Kumar Mishra, Ld. AGP
Mr. Gopal Sarkar,
Mr. Sourav Halder, …… for the State

Mr. Billwadal Bhattacharya, Ld. AAG
Mr. Debanjan Mukherjee
…….. ..for the KMC

ORDER (Per Court)

1. The learned advocate for the PIL Petitioners submits that these Petitioners are slum dwellers.

2. The learned Additional Advocate General submits that these encroachers are creating their juggi jhopris below bridges and flyovers.

3. The learned advocate for the petitioners submits that the Petitioners desire to withdraw this PIL Petition and assail the notice, which is impugned in the PIL by preferring a Writ Petition before the learned Single Judge.

4. Learned Additional Advocate General submits that this PIL Petitioner should not be

permitted to withdraw the Petition, because the space below flyovers and bridges is being occupied by slum dwellers or these encroachers installing their juggi jhopris, has become a menace besides being a grave security risk. The risk of loss of property and life is high if such bridges or flyovers, after living their life span or for some reason, collapse over these occupants, which would lead to claims being made by such occupants against the State for compensation.

5. Since the Petitioners have put forth their prayers seeking relief for themselves, as well as, for a similar class of people and seeking quashing of the public notice bearing no. 630/6/2026 dated 30.06.20026, coupled with the statements of the learned advocate for the Petitioners that the Petitioners would approach the learned Single Judge against the said public notice, **this Petition is disposed off** as withdrawn on instructions.

6. We, however, deem it appropriate to observe as under:

(a) All contentions of all the litigating parties are kept open, if the Petitioners prefer any proceedings against the notice dated 30.06.2026;

(b) We have not granted any protection in the PIL to these Petitioners and the pendency of this PIL or its withdrawal would not, in any way, amount to granting any protection;

(c) If, unfortunately there is any mishap involving the flyover or the bridge and if this causes any loss of property or life of those unauthorisedly residing below the flyover/bridge, the State would not be held responsible in any manner whatsoever.

7. Urgent photostat certified copy of this order, be given to the parties upon compliance of all formalities.

(Tapabrata Chakraborty, J.) **(Ravindra V. Ghuge)**
Chief Justice