

19.11.2025  
Ct. 3  
Item No.  
AD 4  
sayandeep

**WPA 1232 of 2024**

**Mithu Mondal  
Versus  
State of West Bengal & Ors.**

Mr. Suprobhat Bhattacharyya  
Mr. Milan Kr. Maity

... For the petitioners

Mr. Mir Anuruzzaman

...For the municipality

Mr. Abhijit Sarkar  
Mr. Suman Singh

.... For the State

1. The petitioner is aggrieved by the fact that the respondent No. 6 has constructed a soak pit adjacent to the boundary wall to the petitioner's property though such construction does not encroach upon the petitioner's property. In fact, the learned advocate for the petitioner has been candid enough in submitting that the construction is on the other side of the boundary wall. What the petitioner apprehends is that by reasons of the construction of the soak pit, the boundary wall is likely to be affected.
2. Learned advocate for the municipality has, however, drawn the attention of this Court to the provisions of Rule 166(3)(a) and (b) of the West Bengal Municipal (Buildings) Rules, 2007(hereinafter referred to as the said Rule) and

would submit that there has been no infraction of such Rules. I find that Rule 166(3)(a) provides that a Septic tank and soak pits shall be so located so as to be easily accessible from the means of access to the plot and Soak pits may be constructed on the side of buildings at right angles to the slope of the land and from the building foundations. The only restriction appears to be a minimum clearance of 2.1 metres between the foundation and the soak pit to minimize the chances of dampness and slope failures. Although the petitioner would complain that the boundary is likely to be affected by the soak pit, I am of the view that the aforesaid does not infringe upon the municipal laws though the same may infringe the petitioner's civil rights. As such without going into the issue as to whether the aforesaid construction interferes with the other legal rights of the parties, I am of the view that there is no scope to issue any mandatory direction on the municipal authorities in this regard.

3. Accordingly, the writ petition is dismissed without any order as to costs.

**(Raja Basu Chowdhury, J.)**