

17.06.2025
Court No.13
Item No.24
AP

**FMA 888 of 2025
With
CAN 1 of 2025
Amrit Kumar De
Vs.
The Midnapore Municipality and Ors.**

Mr. Soumya Mazumder, Senior Advocate
Mr. Samrat Dey Paul
... for the Appellant.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
...for the State.

Ms. Tushar Sinha Mahapatra
...for the Respondent No.6.

Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
...for the Midnapore Municipality.

1. The appeal is directed against an order dated 18th March, 2025 passed by a Single Bench of this Court. The writ petitioner/appellant alleged that the private respondent has effected construction of an unstable building and also that the plan sanctioned by the concerned municipality is contrary to the rules.

2. The Court appointed a structural engineer, who submitted a report. The report contradicts the stand of the appellant. Relevant portion of the report is set out in the impugned order at its internal page 6.

3. The municipality thereafter also went on to independently assess as to whether the structure constructed by the private respondent is unstable or not. The writ petitioner was given an opportunity of appointing a structural engineer on his own, which he

declined for paucity of funds. The writ petitioner was not even present when the municipality conducted an inspection on the said premises. The report of the municipality was submitted after hearing of the parties in which the appellant/writ petitioner did not participate.

4. The municipality as well as the Court appointed engineers found the building and structure to be sound and structurally stable. The municipality has not found any violation of its rules in issuing the sanction plan in question.

5. In view of the above circumstances, the Writ Court cannot do anything more than to rely upon the report of the experts. The Writ Court under Article 226 of the Constitution of India cannot sit in appeal over the findings in reports of the experts and a municipal body.

6. In view of the above, the instant appeal is dismissed. Consequently, all connected pending applications, if any, are also dismissed.

7. There shall be no order as to costs.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)