

30.07.2025.
Item No. 29.
Court No. 13
ap

F.M.A. No. 949 of 2025
With
I.A. No. CAN 1 of 2025

Smt. Asha Kumari Singh @ Asha Singh
Versus
Champdani Municipality & Ors.

Mr. Partha Sarathi Deb Barman,
Mr. Amit Gupta,
Ms. Subhasri Chatterjee.

...For the appellant.

Mr. Rachit Lakhmani,
Mr. Amit Pareek,
Mr. Mostafijur Rahaman.

...For the respondent nos.5 & 6.

1. The instant intra court appeal is directed against the order dated 2nd April, 2025 passed by a learned Single Judge of this Court in W.P.A 23996 of 2023.

2. The learned Single Judge found that an earlier writ petition being W.P.A. 5688 of 2023 was filed by the appellant alleging unauthorized construction by the private respondent. The writ petition was disposed of directing Champdani Municipality to consider and dispose of the representation of the petitioner.

3. Champdani Municipality found that the construction was made as per the plan and according to the Building Rules of the West Bengal Municipal Act.

4. The writ petition in which the impugned order was passed challenged the order of Champdani Municipality dated 31st August, 2023. The learned

Single Judge had initially on 3rd March, 2025 appointed a Special Officer and a qualified Surveyor to ascertain whether the respondent nos.5 and 6 have made construction in accordance with the sanction building plan.

5. The report of the Special Officer and Surveyor filed before the learned Single Judge of this Court clearly indicated that the building is in conformity with the sanction plan and there is no illegality in the construction.

6. In view of the above and the findings of the Champdani Municipality as also the Special Officer appointed by the Single Judge, the learned Single Judge did not find favour of the appellant and dismissed the writ petition.

7. This Court is in complete agreement with the findings of the learned Single Judge. When the Municipality itself had found that the private respondent did not commit any deviation from the sanction plan, there was no need for the learned Single Judge to appoint any further Surveyor.

8. A Writ Court does not enter into the disputed questions of fact. In any event the findings of the Special Officer and Surveyor are also against the appellant, the question of the appellant being afforded any opportunity to file exception to the report of the Special Officer could not have arisen and the learned Single Judge rightly rejected such prayer.

9. In view of the above, this Court finds no merit in the instant appeal. FM.A. 949 of 2025 shall stand dismissed.

10. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)