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18.12.2025
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15517 of 2024

Fatema Khatoon
Versus
The Champdani Municipality & Ors.

Mr. Kajal Ray
... For petitioner.

Mr. Mukti Chandra Ghosh
Mr. Jahangir Hossain
.... For the State.

Mr. Ayan Banerjee
Mr. Dhiman Banerjee
.... For the municipality.

Mr. Arijit Bhowmick
... For the respondent no.4.

1. Affidavit of service filed in Court is taken on record.
2. Complaining illegal construction at Mouza-Gourhati, Champdani, J.L. No. 21, R. S. Dag No. 3801, L.R. Dag No. 3901 and R.S. Dag No. 3802 L.R. Dag No. 3904 measuring 4 katha 7 chattak within Champdani Municipality, the instant writ petition has been filed.
3. The petitioner would complain that the private respondent has been carrying out construction work at the property which belongs to the petitioner. Independent of the above, it is submitted that the construction that is coming up is without the sanctioned building plan.
4. The private respondent is represented in Court. According to the private respondent there is a subsisting

order of injunction passed by the learned Civil Judge (Junior Division), 1st Court, Chandernagore, Hooghly, in T.S. 08 of 2025. According to such order the petitioner has been restrained from making any obstruction over the suit property.

5. Mr. Banerjee, learned advocate representing the municipality, on instruction, would submit that the municipality could not identify where the construction work is proceeded and further since there is an order passed by a competent civil Court no action could be taken by the municipality.

6. Mr. Ghosh, learned advocate appears on behalf of the State.

7. Having heard the learned advocates appearing for the respective parties and noting that there is a subsisting order of injunction passed by a competent civil Court, I am of the view at this stage there is no scope to pass any mandatory direction excepting permitting the petitioner to make a representation with the municipality. If such representation is made, the municipal authorities should enquire as to whether the construction that has come up on the subject plot has the sanction of the municipality or not.

8. Needless to mention, if any illegal construction is detected, consequences shall follow.

9. With the above observations and directions, the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)