

23.09.2026
Item No.
AD 6
Saswata

WPA 22995 of 2026

**Madhusudan Maity & Anr.
Versus
South Dum Dum Municipality & Ors.**

Mr. Amitava Mukherjee, Sr. Adv. Ms. Arpita Saha	...For the petitioners
Ms. Mousumi Bhowal Mr. Aman Gupta	...For the Municipality

1. Challenging the order dated 29th May 2026 passed under Section 218 of the West Bengal Municipal Act, 1993, the instant writ petition has been filed. Though, the petitioners would submit that the order passed does not identify the portion which is required to be demolished, however, upon perusal of the order, I find that the Board of Councilors had clearly recorded in the order that as per inspection report dated 9th February 2026, the petitioners have constructed a septic tank on the north – west corner passage measuring about 8.49 sq. ft. which is outside his boundary, is the portion that has been directed to be removed.
2. The order is explicit and clear in identifying the portion which is required to be demolished. The petitioners have chosen not to prefer an appeal and has purported to challenge the same by filing the instant writ petition. It is well settled that the Court while exercising an extraordinary writ jurisdiction under Article 226 of the Constitution of India cannot enter into factual issues and there is no scope to interfere with the factual findings returned by the Board of Councilors. It is not the case of the petitioners that the Bond of Councillors did not have jurisdiction to pass the order. The order appears to be

supported by some evidence in the form of the inspection report and as such the order cannot be said to be perverse.

3. In view thereof, the writ petition fails and the same is accordingly dismissed.

(Raja Basu Chowdhury, J.)