

05.01.2021

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**W. P.A. 15019 of 2018
(Via Video Conference)**

Mrs. Ramala Banerjee
Vs.
Barasat Municipality & Ors.

Mr. Sandip Kumar Bhattacharyya
Mr. G. Dutta
... For petitioner.

Mr. Supriyo Roy Choudhury
Mr. Sankar Ghosh
... For Municipality.

Mr. Bhattacharyya, learned advocate appears on behalf of petitioner and submits, his client has been denied completion occupancy certificate. He refers to section 212 of West Bengal Municipal Act, 1993, while handing up his client's copy letter dated 26th March, 2018, addressed to the Chairman, Barasat Municipality. He draws attention to contents and enclosures given with the letter to submit, after inspection sums were deposited for extension of building fees and issuance of occupancy certificate.

Mr. Roy Choudhury, learned advocate appears for Barasat Municipality and submits, the construction is unauthorized. On query from Court, he is unable to produce any document to show initiation of appropriate proceedings in that regard.

Section 212 provides for contingency of failure to issue completion certificate within period of 30 days of

receipt of application. It appears, information of completion was with the Municipality and thereafter petitioner wrote, by said letter, to the Chairman. On failure of the Municipality approaching the Chairman, is remedy provided in proviso to the section. Mr. Bhattacharyya submits, there has been no response from the Chairman.

The Municipality, through its authorized officer or the Chairman, will issue completion and occupancy certificate to petitioner within thirty days from communication of this order. In event such certificate cannot be issued, reason therefor must be made known to petitioner within that time.

Petitioner's copy letter is handed back and photocopy obtained to be kept in the file. The writ petitioner is disposed of.

(Arindam Sinha, J.)