

23
16.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 3998 of 2022

**Sk. Rafikul
-versus
The State of West Bengal & Ors.**

**Mr. Sayan Chattopadhyay,
Mr. Koustav Sen.
...For the Petitioner.**

**Mr. Ziaul Islam,
Mr. K. Alam.
...For the State.**

**Mr. Rafikul Islam Sardar.
...For the Respondent No.17.**

**Mr. Aziz Amin.
...For the North Dum Dum
Municipality.**

Affidavit-of-service filed in Court today is taken on record.

Learned advocate for the respondent no. 17 submits that he has filed Vakalatnama in the department vide filing No. A-4604 dated 15th March, 2022. The department is directed to tag the same with the records.

The petitioner alleges illegal and unauthorized construction at the instance of the private respondents.

The allegation of the petitioner has been disputed by the learned advocate appearing for the private respondents.

The private respondents have produced a copy of the Occupancy Certificate issued by the North Dum Dum Municipality in their favour on 13th December, 2021 mentioning that the building has been inspected and the same was found to be structurally stable and, accordingly, the Occupancy Certificate has been issued.

The building in question is a G+3 storied building. There are six shops and car parking spaces in the ground floor of Block-A and car parking spaces and residential area in the ground floor of Block-B. The first floor to the third floor of Blocks A and B are meant for residential use.

As it appears that the North Dum Dum Municipality has issued the Occupancy Certificate in favour of the private respondents, accordingly, submission of the petitioner alleging unauthorized and illegal construction cannot be substantiated.

No relief can be granted in the instant writ petition. The writ petition fails and is hereby dismissed.

The 'Blockwise Occupancy Certificate' issued by the North Dum Dum Municipality on 13th December, 2021 be retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)