

11
28.11.2022
d.p.

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

W.P.A 22727 of 2022

**Sk. Rafique
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Shareq Siddique,
Mr. Shah Nawaz Alam.
...For the Petitioner.**

**Mr. Sudipto Panda,
Mr. Subrata Ghosh.
...For the State.**

**Ms. Sima Chakraborty,
Ms. Manisha Nath.
...For KMC.**

**Mr. Sunny Nandy,
Ms. Riya Das.
...For the Respondent No.9.**

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

The matter relates to construction at Premises No. 11/2, Tiljala Road, Ward No.-59, Borough-VII under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges illegal and unauthorized construction thereon.

Learned advocate appearing for the private respondents, at whose instance the construction is

being made, submits that the construction is being made in accordance with the plan sanctioned by the Kolkata Municipal Corporation.

Learned advocate appearing for the Kolkata Municipal Corporation has produced the instruction signed by the Sub-Assistant Engineer, Assistant Engineer and the Executive Engineer (Civil)/Building, Borough-VII mentioning that departmental inspection revealed that two storied RCC frame structure along with roof shuttering has been constructed which more or less tallies with the sanctioned plan for making construction of G+4 storied building. No unauthorized construction was found at the time of inspection.

From the report received from the engineer of the Kolkata Municipal Corporation, submission of the petitioner that unauthorized construction is carried on at the subject premises remains unfounded.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

The instruction given by the engineer of the Kolkata Municipal Corporation filed in Court today be kept 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.)