

06
11.12.2023
AGM

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

W.P.A 26385 of 2023

**United Enterprise & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Saybasachi Chatterjee
Mr. Omar Faruk Gazi.
Mr. Badrul Karim
Ms. Bidisha Das
Ms. Susmita Das
...For the Petitioners.**

**Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kumar Nag.
...For BMC.**

**Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque.
...For the State.**

An inspection report has been filed before this Court signed by two Assistant Engineers of the Bidhannagar Municipal Corporation on 8th December, 2023.

The same mentions that an inspection was carried out on 7th December, 2023 when it transpired that there exists G+5 (6 storied building) at plot no. 10/6 East Mall Road, Kolkata. One part of the building has been constructed up to G+3 storey. The register obtained from the Rajarhat Gopalpur Municipality mentions about G+3 storied building sanctioned vide No. 706/11-12 dated 8th February, 2012.

From the records of the CC register obtained from the Rajarhat Gopalpur Municipality, it has been found that fees have not been submitted against the completion certificate and the number of floors is not recorded.

The Corporation is of the opinion that as payment has not been made for obtaining the Completion Certificate, there exists no completion certificate for the entire building.

Photograph of the building has been annexed with the report.

It is evident from the photograph that the structure in question is a six storied building.

Learned advocate appearing for the petitioners insists that it is a five storied building and not a six storied one.

Reliance has been placed at pages 68 to 70 of the writ petition where the completion certificate, the drawing of the five storied residential building and the alleged approved completion plan sanctioned by the Chairman, Rajarhat Gopalpur Municipality on 31st March, 2014 have been annexed.

The learned advocate representing the Corporation submits, upon instruction that, apart from sanction of the G+3 storied building, there is no other record with the Corporation with regard to the sanction of the G+4 storied plan as claimed by the petitioner. It has been pointed out that completion certificate could not have been issued on 31.03.2014 in respect of a G+4 storied building with a sanction given on 31.03.2014.

The petitioners insist that there is no other construction beyond the sanctioned plan of the G+4 storied building.

The Corporation is, accordingly, directed to ascertain the genuineness of the plan relied upon by the petitioners for construction of G+4 storied building.

If it appears that the plan and the supporting documents are not genuine and if any construction has been made over and above the plan relied upon by the petitioners, then it will be open for the Corporation to take steps for demolition of the unauthorised construction.

The Corporation is directed to verify the genuineness of the plan at the earliest but positively within a period of four weeks from the date of communication of this order.

The petitioners will be obliged to produce the original building sanctioned plan of G+4 storied building, the revised plan and the completion certificate before the Corporation at the time of hearing.

The proceeding and the consequent steps shall be concluded at the earliest but positively within a period of three months from the date of hearing the matter by the Corporation.

Two photographs produced by the learned advocate for the petitioners be retained with the records.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)