

ML 145
30.04.2024
KAUSHIK

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

W.P.A 1448 of 2024

**Shabana Bagum
-versus
The State of West Bengal & Ors.**

**Mr. Tapan Kumar Dey
Mr. Ashis Kumar Dutta.
...For the Petitioners.**

**Mr. D. N. Mukherjee
Mr. Janardan Mondal.
...For the State.**

**Ms. Piyali Sengupta
Ms. Manisha Nath.
...For the KMC.**

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

The petitioner is aggrieved by the inaction on the part of Kolkata Municipal Corporation (KMC) to issue completion certificate in her favour.

Learned advocate representing KMC points out to the order passed by the Special Officer (Building) on 26th April, 2022 wherein order was passed for retention of the unauthorised construction at the premises in question subject to payment of the necessary fees. As the fees was not paid accordingly the order of retention loses its force and the unauthorized construction is liable to be demolished. In such a situation there is no scope to issue the completion certificate.

The petitioner is aggrieved by the said order.

The order of the Special Officer is an appealable one. It will be open to the petitioner to prefer appeal before the statutory appellate forum in accordance with law.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)