

WPA 24401 of 2024
Rajendra Kumar Choudhary
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Pratyush Patwari,
Mr. Arun Tanti

...for the Petitioner

Mr. Sandipan Banerjee,
Ms. Manisha Nath

...for KMC

Mr. Arka Nandi

...Special Officer

The petitioner contends that due to his inability to produce a completion certificate from the Kolkata Municipal Corporation for a building located at 50, Buro Shibhala Main Road, Kolkata – 700 034, the District Consumer Disputes Redressal Forum, Baruipur, Dist. 24 Parganas (South) is considering the issuance of a warrant of arrest against him in Execution Case No. 106 of 2016. The petitioner was the promoter of the building.

The petitioner further asserts that the unauthorised portion of the building was regularised upon payment of fees to the Corporation on March 15, 2017.

On a prior occasion, the Corporation indicated that a recent inspection revealed further unauthorised construction by the petitioner.

In response, this Court appointed a special officer to

conduct an inspection and submit a report. The special officer's report indicates that no additional construction has been undertaken by the petitioner. However, a small construction on the roof, which existed at the time of the regularisation by the Corporation, was inadvertently excluded from the regularisation order. The report further indicates that two flats on the third floor were combined into one flat without prior approval from the Corporation.

It is acknowledged that the Corporation is assessing the two combined flats as a single unit since long. In light of this, I find no justifiable grounds for withholding the completion certificate in respect of the building.

The learned advocate for the Corporation, however, submits that the completion certificate should be issued in favour of the present flat owners, rather than the petitioner.

In light of the foregoing, I find no reason to keep this writ petition pending. Therefore, this writ petition is disposed of with a direction to the Kolkata Municipal Corporation to issue the completion certificate for the building in favour of the current flat owners in accordance with the law within three weeks from the date of this order.

The petitioner is instructed to provide the names of the current flat owners within one week from the date of this order.

Accordingly, **WPA 24401 of 2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)