

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***M.A.T. 1093 of 2024
(CAN 1 of 2024)***

***Amit Banerjee
-Vs-
The State of West Bengal & Ors.***

For the Appellant : Mr. D. N. Chatterjee, Adv.
Mr. Subhas Ch. Saha, Adv.

Heard on : 08.08.2024

Judgment on : 08.08.2024

Joymalya Bagchi, J. :-

1. It is submitted on behalf of the appellant that he has made construction of two rooms in the joint property. However, he is unable to place on record any valid permission for such construction.

2. Hon'ble Single Judge noted that the Municipality concerned has come to a finding that the construction was unauthorised. Accordingly, it was directed that the same be demolished within the time frame.

3. During hearing of the appeal, learned Advocate for the appellant was unable to place before this court any shred of paper justifying the

validity of the construction save and except claiming that a trade licence was issued in his favour.

4. Issuance of licence does not amount to acquiescence of an illegal construction.

5. Under such circumstances, we are of the opinion there is no merit in the appeal and the same is accordingly, dismissed.

6. In view of dismissal of the appeal, connected application being CAN 1 of 2024 is also disposed of.

7. There shall be no order as to costs.

8. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

akd