

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

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 2019 of 2022

With

CAN 1 of 2024

Amar Kumar Jaiswal

vs.

Shobha Devi & Ors.

For the Appellant

: Mr. Ayan Mitra

Ms. Shinjita Ray

Mr. Sartak Singh

Mr. Aditya Sinha

For the H.M.C

: Mr. Sandipan Banerjee

Mr. Ankit Sureka

Heard on

: January 7, 2025

Judgment on

: January 7, 2025

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated September 27, 2022 passed in

W.P.A. 8590 of 2022.

2. Department reports a delay of 754 days.

3. Appeal was filed after obtaining leave to file the same without the certified copy. Certified copy was filed subsequently resulting in the delay noted. Although, leave to file an appeal without the certified copy cannot be equated with an exemption to file the certified copy nonetheless the appellant should not be visited with the fault of the advocate.

4. In such circumstances, we deem it appropriate to condone the delay in making and filing the appeal.

5. **CAN 1 of 2024 is allowed.**

6. By the impugned order, learned Single Judge on the allegation of unauthorized and illegal construction directed the Howrah Municipal Corporation to look into the issue and decide the same.

7. Learned advocate appearing for the appellant refers to a communication received by the appellant dated April 18, 2023 from the Howrah Municipal Corporation. Such communication is to the effect that pursuant to the impugned order dated September 27, 2022, the Howrah Municipal Corporation looked into the issue of unauthorized and illegal construction and found that a part of the building deviated from the sanctioned building plan.

8. Communication of the Howrah Municipal Corporation dated April 18, 2023 is not under challenge.

9. At least nothing is placed before us to suggest so. In any event, impugned order stood worked out by the Howrah Municipal Corporation with it deciding on the issue of unauthorized and illegal construction.

10. In such circumstances, we find no merit in the present appeal.

11. **M.A.T. 2019 of 2022 is dismissed** without any order as to costs.

(Debangsu Basak, J.)

12. I agree

(Md. Shabbar Rashidi, J.)

S.D.