

**02.04.2025**  
**Sl. No.17**  
Ct.3/ tkm

**W.P.A. 4598 of 2025**  
**(Md. Shaquib vs. State of West Bengal. & Ors.)**

Mr. S K Mondal  
.....for the petitioner  
Mr. Biswajit Mukherjee  
Mr. Atis Kr. Biswas  
... .. for the KMC  
Ms. Jayeeta Sinha  
Mr. Sandip Mandal  
... .. for the State

1. The petitioner has preferred the present writ petition being aggrieved by the un-authorised construction being carried out by the private respondent Nos. 9 and 10 at the premises situated at B/4/H/2/6, Convent Lane, Police Station- Entally, Calcutta, 700015.
2. It is the case of the petitioner that he had entered into an agreement with respondent No. 9&10 and booked a flat in the said premises in June, 2012. As per the agreement between them, the petitioner was to deliver the possession of a two bed room flat attached with kitchen and bathroom measuring more or less 300 Square Ft. on the second floor of the said newly constructed building of the above-mentioned premises.
3. Learned Counsel for the petitioner further submits that despite the passage of over a decade, the developer has failed to deliver the possession of the said flat to him.

4. The present writ petition seems to be a private dispute between the petitioner and the developer. The petitioner, having acquiesced in his claim for an extended period, has now approached this Court primarily to enforce his personal rights under a private transaction alleging unauthorised construction since the developer had failed to hand over the said flat to him.
5. Without delving into the issue of illegal unauthorised construction, this Court is of the considered opinion that the present matter is fundamentally a private dispute between the petitioner and the developer, arising from a contractual arrangement between the parties. The petitioner has approached this Court to settle his personal vendetta. Petitioner was aware of the un-authorized construction happening at the above said premises since 2012. However, he chose to remain silent for more than a decade and now since he is not getting the possession of his flat as agreed between the parties, he invoked the writ jurisdiction of this court alleging un-authorized construction.
6. The aforesaid facts clearly shows that the writ petition filed by the petitioner lacks bonafide and it was filed with the ulterior motive to settle his personal scores with the developer.

7. Writ Petitions are filed under Article 226 of the Constitution if there is a violation of fundamental rights guaranteed under Part-III of the Constitution. Writ of Mandamus can be issued when a public authority fails to perform a duty entrusted upon it by law. But nobody can misuse the said provision for settling their personal vendetta. Petitioner can raise his private contractual dispute before appropriate forum, however in order to settle his personal dispute he cannot set the State machinery into motion by invoking the writ jurisdiction of this Court.
8. The present petition lacks bonafide and hence this Court is not inclined to exercise its discretionary jurisdiction vested in it under Article 226 of the Constitution.
9. It is needless to mention here that the municipal authorities shall be at liberty to proceed with their statutory duties and take appropriate actions in accordance with law if the offending building is un-authorized.
10. In light of the foregoing, this Court is not inclined to entertain the present writ petition. Accordingly, the present writ petition is dismissed.

**(Gaurang Kanth, J.)**