

**Sl. No.08.**  
**17.12.2025**  
**Suman**  
**Ct. 15**

**WPA 21118 of 2024**

**Md. Rofik Khan**  
**Vs.**  
**The State of West Bengal and Ors.**

Mr. Sumit Naskar  
..for the petitioner

Mr. Shahan Shah  
Mr. Sk. Abumusa  
Mr. Soumen Barman  
Mr. Md. Shahjahan  
..for respondent no.11.

Mr. Chandi Charan De, AGP  
Ms. Reshma Chatterjee  
..for the State

The petitioner alleges that respondent no. 11, despite having no right, title, or interest over Plot No. 5596, J.L. No. 46, Nodakhali, South 24-Parganas, has made an unauthorised construction of a residential building without obtaining a sanctioned plan from the Panchayat.

Learned advocate representing the State, on the other hand, submits that the petitioner himself has no right, title, or interest in respect of the plot in question, which is apparent from the relevant record of rights annexed at page 15 of the writ petition.

Learned advocate appearing for respondent no. 11, on the other hand, has produced

photographs of the building in question to suggest that the same has been in existence since 2010.

Let the photographs produced by respondent no. 11 be kept with the records.

I am not inclined to entertain this writ petition.

The record of rights annexed to the writ petition, appearing at page 15, clearly suggests that the petitioner does not have ownership over the plot in question. His ownership in the land is reflected as “.00 acre.”

The photograph indicates that the building was constructed long ago.

The petitioner’s conduct attracts the well-established principles of delay, acquiescence, and want of bona fides.

The much-belated allegation regarding the absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been raised only to impart a semblance of a public law character to what is fundamentally a private conflict.

After such a lapse of time, the petitioner cannot approach this Court to contend that the building in question was constructed without any sanctioned plan from the competent authority.

In that view of the matter, **WPA 21118 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

**(Kausik Chanda, J.)**