

16.02.2026
Ct. No. 15
Sl. No.45
skg

W.P.A. 471 of 2026

Safiuddin Sardar
Vs.
The State of West Bengal & Ors.

Mr. Subhonkar Bose,
...for the petitioner

Mr. Sudipto Pande,
Ms. Renuka Patrick
....for the State

Mr. Sounak Bhattacharya,
Mr. Chandra Nath Sarkar,
Mr. Sounak Mondal,
Ms. Bipasha Bhattacharyya,

....for the respondent no.12-17

It is an admitted position before this Court that the petitioner and respondent nos. 12 to 17 are co-sharers in respect of L.R. Dag No. 344, J.L. No. 27, measuring 160 decimals, Police Station Kultali, District 24 Parganas (South). The petitioner alleges that respondent nos. 12 to 17 have raised unauthorized constructions on the said plot of land. It is contended that no permission was obtained from the Panchayat Authority prior to undertaking such construction and that the land was not converted in accordance with law before the constructions were carried out.

Learned counsel appearing for respondent nos. 12 to 17, however, submits that constructions on four plots belonging respectively to respondent no. 12,

Mobaarak Molla; respondent no. 13, Gopal Sardar; respondent no. 15, Subit Ali Sardar; and respondent no. 16, Batul Sardar, have been undertaken under the Pradhan Mantri Awas Yojana.

It is not in dispute that a partition suit between the parties is presently pending. It further appears from the photographs annexed to the writ petition that the construction of the buildings had been completed prior to the filing of the writ petition.

It is pertinent to note that constructions undertaken under the Pradhan Mantri Awas Yojana do not require a sanctioned building plan in view of the proviso to Section 19(1) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

Having consciously allowed the constructions to proceed and having approached this Court only after their substantial completion, the petitioner cannot now be permitted to contend that the constructions were effected without a sanctioned plan. Such conduct attracts the well-settled principles of delay, acquiescence, and absence of bona fides. The writ jurisdiction under Article 226 of the Constitution of India, being discretionary and founded upon equitable considerations, cannot be invoked to revive a claim that the petitioner has effectively forfeited by his own inaction.

Moreover, it is evident that the dispute between the parties is essentially civil in nature. The petitioner cannot be allowed to confer a public law character upon a dispute that is fundamentally private, particularly at such a belated stage. The writ court cannot be utilized as an alternative forum to secure indirectly what may not be obtainable directly in appropriate civil proceedings.

The allegation regarding the absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been raised merely to impart a semblance of public law character to what is, in substance, a private conflict.

In the aforesaid circumstances, this Court is not inclined to entertain the writ petition.

Accordingly, **W.P.A. 471 of 2026** stands dismissed.

There shall be no order as to costs.

Urgent Photostat copy of this order, if applied for, be supplied to the parties on an urgent basis.

(Kausik Chanda, J.)