

WPA/389/2026

**PRONAB KUMAR MONDAL
VS
THE STATE OF WEST BENGAL AND ORS.**

*Mr. Kaushik Dey,
Mr. Dilip Jyoti Chakraborty,
Mr. Chitrak Biswas, Advocate
... .. For the Petitioner*

*Ms. Sima Ghosh,
Mr. Manoshi Mondal,
... .. For the Private respondent No. 18*

*Mr. Rajat Dutta,
.. ...For the State*

The petitioner alleges unauthorized construction on Plot No. 827, J.L. No. 109, Mouza-Bagtui, Rampurhat Police Station, District Birbhum. The photographs annexed to the writ petition depict the construction of two buildings on the said plot.

Initially, learned counsel appearing for the petitioner was unable to specify which of the two structures was sought to be subjected to demolition proceedings. However, at the time of hearing, it was clarified that the G+1 construction shown in the photographs is the building in question.

Although the principal allegation in the writ petition was that the said construction had been undertaken without a sanctioned building plan, learned counsel appearing for respondent No. 18 has produced a sanctioned building plan before this Court. In response, learned counsel for the petitioner submits that the sanctioned plan predates the conversion of the

classification of the relevant plot from 'Saiyam' to 'Bastu'.

From the photographs annexed to the writ petition, it appears that construction had substantially progressed at the time of its filing. The first floor had already been constructed, and work on the second floor was underway. Having allowed such construction to proceed and having approached this Court only at an advanced stage of construction, the petitioner cannot now be permitted to contend that the building is being constructed without a sanctioned plan.

Such conduct attracts the well-established principles of delay, acquiescence, and absence of bona fides. A Writ Court, guided by settled principles of equity, would ordinarily decline relief in favour of a litigant who has knowingly allowed a structure to be raised and thereafter seeks its demolition. The jurisdiction under Article 226 of the Constitution of India, being discretionary and equitable in nature, cannot be invoked to revive a right that the petitioner has effectively forfeited by his own inaction.

Moreover, the petitioner cannot be permitted to advance a case that was not pleaded in the writ petition. The foundational allegation in the writ petition was that the construction was being carried out without a sanctioned building plan. Since a sanctioned plan has now been produced before the Court, there remains no scope for entertaining the writ petition on the pleaded grounds.

A contention has also been raised regarding the authority competent to grant conversion of the land classification. However, such issue does not form part of the original pleadings and cannot be adjudicated in the present proceeding.

A copy of the sanctioned building plan has been handed over to the learned advocate appearing for the petitioner. Let the same be kept on record.

WPA/389/2026 is accordingly dismissed.

(Kausik Chanda, J.)