

Sl. No.34
17.02.2026
Suman
Ct. 15

WPA 1090 of 2026

Sk. Perveg
Vs.
The State of West Bengal and Ors.

Md. Shah Jahan Hossain
Ms. S. Sultana
Mr. Souvik Shaw
..for the petitioner

Mr. Ayan Chandra Roy
Mr. Sutanu Chakrabarti
..for the State

Mr. Prabir Kumar Das
Mr. Soupal Chatterjee
Ms. Sayani Das
..for respondent no.10.

The petitioner alleges that respondent no. 10 has made an unauthorised construction on L.R. Plot No. 782, Mouza–Ausara, P.S. Raina, District–Purba Burdwan. The petitioner claims ownership over an adjacent plot bearing Plot No. 771 in the said mouza.

The petitioner further alleges that, without conversion of the classification of the land in question and without obtaining permission from the Panchayat, respondent no. 10 has constructed a residential building.

In support of such submission, reference is made to page 31 of the writ petition, whereby the Pradhan of Sehara Gram Panchayat informed the petitioner that no

sanctioned plan had been obtained by respondent no. 10 for raising the construction. However, from the annexure appearing at page 31 of the writ petition, it is also evident that a two-storied building had already been constructed well before the filing of the writ petition by respondent no. 10.

Having consciously permitted such construction to continue and having approached this Court only after completion of the building, the petitioner cannot now contend that the construction is being carried out without a sanctioned plan.

Such conduct attracts the well-established principles of delay, acquiescence, and want of bona fides. A Writ Court, applying settled principles of equity, would decline to grant relief in favour of a litigant who consciously allows a structure to be raised and thereafter seeks its demolition. The writ jurisdiction under Article 226 of the Constitution of India, being discretionary and grounded in equitable considerations, cannot be invoked to resurrect an equitable right that the petitioner has clearly forfeited.

Accordingly, **WPA 1090 of 2026** 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.)