

WPA/1207/2026

**RAKHI BERA
VS
STATE OF WEST BENGAL AND ORS.**

*Mr. Sayantan Hazra,
Mr. Emsul Kayes,
... .. For the Petitioner*

*Mr. Anit Kumar Rakshit,
Mr. Mahadeb Sarkar,
... .. For the State*

The petitioner alleges that the private respondent has constructed a building without obtaining a sanctioned building plan. It is further alleged that, in the course of such construction, the land belonging to the petitioner, being Plot No. 735, J.L. No. 112, Mouza Tatarpur, P.S. Daspur, District Paschim Medinipur, has been encroached upon.

The photographs annexed to the writ petition clearly indicate that, well prior to the filing of the present writ petition, construction of the three-storied building had already been completed. The report submitted by the concerned Block Development Officer likewise reveals that the building was constructed approximately five to six years ago.

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

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

Furthermore, this Court is not the appropriate forum for adjudication of disputed questions relating to alleged encroachment of land. The petitioner shall be at liberty to approach the competent civil forum for redressal of his grievances in accordance with law.

A copy of the report has been furnished to the learned advocate appearing for the petitioner. The report filed on behalf of the State shall be kept on record.

WPA/1207/2026 is accordingly dismissed.

(Kausik Chanda, J.)