

24.02.2026
Item No.11.
Ct. No.15
Suman

WPA 1353 of 2026

Jagannath Mondal
-Vs-
The State of West Bengal and Ors.

Mr. Dyutiman Banerjee
Mr. Salil Kumar Maiti
..for the petitioner

Mr. S. Shah
Mr. Aninda Bhattacharya
Mr. S. Sarkar
Mr. K. P. Santra
..for private respondents

Mr. Moloy Roy
Ms. Debarati Sen (Bose)
..for the State

The petitioner alleges that respondent nos. 9 to 12 have undertaken unauthorised construction on Plot No. 939, J.L. No. 46, P.S. Sutahata, Mouza-Dariberia, District Purba Medinipur.

The petitioner claims ownership over the said plot of land and submits that, in denial of his proprietary rights, respondent nos. 9 to 12 have constructed an unauthorised building thereon.

By order of this Court, both parties were directed to produce photographs of the alleged unauthorised construction. The petitioner failed to produce any such photographs. Learned counsel appearing on behalf of respondent nos. 9

to 12, however, has produced certain photographs, claiming them to depict the construction in question. Let the said photographs be kept on record.

From the representation made by the petitioner, annexed as Annexure P-4 and dated July 16, 2025, it appears that even prior to the filing of the writ petition, the construction of the building had already been completed. It is further specifically pleaded in the writ petition that the construction in question falls within the jurisdiction of the Haldia Development Authority. Notwithstanding the same, the petitioner has chosen not to implead the said authority as a party respondent in the present writ petition.

Without entering into that aspect of the matter, this Court is of the considered view that the petitioner ought not to be permitted to invoke the writ jurisdiction of this Court at such a belated stage. Having consciously allowed the construction to proceed and having approached this Court only after completion of the building, the petitioner cannot now contend that the construction was undertaken without a sanctioned plan.

Such conduct attracts the well-established principles of delay, acquiescence, and absence of

bona fides. A writ court, applying settled principles of equity, would ordinarily decline relief in favour of a litigant who permits 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 which the petitioner has, by his own conduct, forfeited.

Furthermore, it appears that the dispute between the parties is essentially civil in nature, involving allegations of encroachment upon the petitioner's land by the private respondents. The petitioner cannot be permitted to confer a public law character upon a dispute that is fundamentally civil, particularly at such a belated stage. The writ court cannot be utilised as an alternative forum to obtain indirectly what may not be available directly in appropriate civil proceedings.

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

Accordingly, **WPA 1353 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.)