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23-02-2026
AKG
Ct. 15

WPA 1617 of 2026

Asima Basak @ Asima Adhikary
Vs.
The State of West Bengal & Ors.

Mr. Pronojit Roy
...for the Petitioner

Mr. Sanjib Das
...for the State

Let the report filed by the State be kept on record.

Learned counsel appearing for the petitioner submits that respondent Nos. 9 to 11 have constructed a bathroom, latrine, and boundary wall. Respondent Nos. 9 to 11 are not represented in these proceedings.

It appears that the petitioner submitted a representation to the Panchayat Pradhan on 09.03.2024, alleging unauthorized construction by respondent Nos. 9 to 11. However, the present writ petition was filed only on 20.01.2026. The photographs annexed to the writ petition clearly indicate that the alleged constructions were completed well before the filing of the petition.

Further, other representations annexed to the present petition indicate that the dispute between the parties is purely private and civil in nature. Having consciously allowed such construction to proceed and approaching this Court only after completion of the structures, the petitioner cannot now contend that the

construction is being carried out without a sanctioned plan.

Such conduct engages 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 knowingly permits a structure to be erected and thereafter seeks its demolition. The jurisdiction under Article 226 of the Constitution of India, being discretionary and grounded in equitable considerations, cannot be invoked to revive an equitable right that the petitioner has clearly forfeited.

Moreover, the dispute between the parties is essentially civil in nature, with the petitioner alleging encroachment upon his land by the respondents. The petitioner cannot be permitted to cloak a private civil dispute in the guise of a public law matter, particularly at such a belated stage. The writ jurisdiction cannot be employed as an alternative forum to obtain indirectly what could only be sought directly through civil proceedings.

The allegation regarding the absence of a sanctioned plan is inextricably linked to the underlying civil dispute and appears to have been raised solely to impart a semblance of public law character to what is fundamentally a private conflict. Consequently, there is no merit in the present writ petition.

Accordingly, **WPA 1617 of 2026** stands dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)