

23.02.2026
Ct. No. 15
Sl. No.62
skg

W.P.A. 1726 of 2026

**Manik Lal Brambhachari & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Lutful Haque,
Mr. Sk. Mustak Ali,
Mr. Mahewash Rasool,

....for the petitioners

Mr. Rafikul Islam Sardar,
Mr. Uttam Kumar Pradhan

...for the respondent no.7

The petitioner alleges that respondent No. 7 has undertaken unauthorized construction on Plot No. 1673, J.L. No. 130, Mouza Reapara, Police Station Nandigram, District Purba Medinipur. It is submitted that respondent No.7 is a Bargadar of the petitioners.

It is contended that, although respondent No. 7 is a recorded Bargadar of 0.02 decimal of land, he has carried out construction without obtaining permission from the Panchayat Authority over 0.04 decimal of land. The petitioner's representation dated 17.06.2025 indicates that the building had already been constructed prior to the filing of the writ petition.

Having consciously allowed the construction to proceed and approaching this Court only after its

completion, the petitioner cannot now contend that the construction was effected without a sanctioned plan. Such conduct engages the well-settled principles of delay, acquiescence, and absence of bona fides. The jurisdiction under Article 226 of the Constitution of India, being discretionary and grounded in equitable considerations, cannot be invoked to revive a claim that the petitioner has effectively forfeited by inaction.

Further, it is evident that the dispute between the parties is essentially civil in nature. The petitioner cannot be permitted to cloak a fundamentally private dispute with a public law character, particularly at such a belated stage. The writ jurisdiction cannot be utilized as an alternative forum to secure indirectly what may only be pursued directly through appropriate 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, in substance, a private conflict.

In the aforesaid circumstances, this Court is not inclined to entertain the writ petition.

Accordingly, **W.P.A. 1726 of 2026** stands dismissed.

There shall be no order as to costs.

Urgent Photostat copy of this order, if applied for, be supplied to the parties on an urgent basis.

(Kausik Chanda, J.)