

23.02.2026
Ct. No. 15
Sl. No.64
skg

W.P.A. 1833 of 2026

Sadek Khalipa
Vs.
The State of West Bengal & Ors.

Mr. Soumik Ganguli,
Mr. Indranil Roy,

....for the petitioner
Mr. Tanveer J. Mondal,

...for the State

The grievance of the petitioner is that his neighbour, respondent No. 7, has constructed a residential building on Dag No. 248, J.L. No. 265, Mouza Kalindi, Coastal Police Station, District Purba Medinipur, without obtaining any permission from the Panchayat Authority.

The petitioner claims ownership of the said plot of land and alleges that respondent No. 7, without any right, title, or interest therein, has undertaken construction without a sanctioned plan from the Panchayat Authority. The representation dated 19.12.2025, annexed at pages 23–24 of the writ petition, indicates that the construction of the building had already been completed 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 building was erected 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 employed as an alternative forum to obtain 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. 1833 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.)