

A714 14-01-2026
AKG
Ct. 15

WPA 2026 of 2025
Subrata Naskar
Vs.
State of West Bengal & Ors.

Mr. Mohinoor Rahaman,
Mr. Iqra Rahaman

...for the Petitioner

Mr. K. M. Hossain,
Mr. Ranajit Roy

...for the State

The petitioner alleges that unauthorised construction was carried out at the instance of respondent nos. 7 to 11 on Plot No. 750, J.L. No. 25, Mouza-Kadampukur, P.S. Rajarhat, North 24 Parganas.

No photograph has been annexed to the present writ petition to indicate the stage of construction at the time of its filing. However, the petitioner's representation, as appearing at page 24 of the writ petition, suggests that the building had already been erected prior to the institution of the writ proceedings. The relevant portion of the representation is quoted below:

“That the aforesaid persons namely (1) Keshab Chandra Naskar, (2) Biswanath Naskar, both sons of Late Atal Behari Naskar, (3) (3) Kuntal Naskar, (4) Kousik Naskar, both sons of Late Kasinath Naskar, (5) Rabuna Naskar, Wife of Late Kasinath Naskar are the co-sharer in respect of the aforementioned plots of land and the aforementioned persons without obtaining any permission from the Patharghata Gram Panchayet erected illegal construction on the suit plot being Plot No. 750 (Bastu)

area 3 decimals, 751 (Doba) area 2 decimal, 877 (Sali) area 1 decimal, Agricultural land, 878 (Doba) area 1 decimal and 879 (Doba) area 1 decimal, Mouza – Kadampukur, J.L. No. 25, Khatian No. 770, Police Station –Rajarhat, now Techno City, District – North 24-Parganas, Kolkata-700136 which is illegal and contrary to the provisions of Section 23 of the West Bengal Panchayet Act, 1973 and rules framed thereunder.

We tried out level best to resist them from erecting illegal construction on our agricultural and doba land but they furious and threatened us with dire consequences. The said illegal activities of the aforesaid persons is beyond of the provision of the West Bengal Panchayet Act, 1973 and rules framed thereunder.

In such circumstances, I, on behalf of the other legal heirs of Late Puspa Rani Naskar, Wife of Late Palan Naskar request you to take legal action against the aforesaid persons for demolition of illegal construction which is erecting by the aforesaid person at Plot No. 750 (Bastu) area 3 decimals, 751 (Doba) area 2 decimal, 877 (Sali) area 1 decimal, Agricultural land, 878 (Doba) area 1 decimal and 879 (Doba) area 1 decimal, Mouza – Kadampukur, J.L. No. 25, Khatian No. 770, Police Station –Rajarhat, now Techno City, District – North 24-Parganas, Kolkata-700136 at an early date.”

Therefore, it is evident that the petitioner seeks the demolition of an already constructed building by instituting the present writ petition.

Having consciously permitted the construction to

proceed and having approached this Court only after the building had been substantially completed, the petitioner cannot now contend that the construction is being carried out without a sanctioned plan.

Such conduct squarely attracts the well-established principles of delay, acquiescence, and lack of bona fides. The writ jurisdiction under Article 226 of the Constitution, being discretionary in nature and founded on equitable considerations, cannot be invoked to revive an equitable right that the petitioner has clearly forfeited.

The petitioner has asserted ownership over the plot in question. However, the adjudication of right, title, and interest is beyond the scope of the present writ proceedings.

Accordingly, **WPA 2026 of 2025** 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.)