

A728 14-01-2026  
AKG  
Ct. 15

**WPA 4231 of 2025**  
**Balaram Mahata & Anr.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Lalratan Mondal,  
Mr. Dilip Kumar Sadhu

...for the Petitioners

Mr. Lalit Mohan Mahata,  
Mr. Prasanta Behari Mahata

...for the State

Mrs. Usha Maiti,  
Ms. Anita Khatri,  
Mr. Sakya Maity

...for Respondent No. 8

The petitioner alleges that his neighbour, respondent no. 8, has constructed a building without obtaining any permission from the Panchayat Authority on Plot No. 177, J.L. No. 025, Mouza-Chandabilla, P.S. Gurguripal, Paschim Medinipur.

It is the case of the petitioner that he is the owner of the plot in question and that respondent no. 8, who has no right, title, or interest in the said land, has raised the construction without any sanctioned plan from the Panchayat Authority.

Learned counsel appearing for respondent no. 8, on the other hand, submits that the building in question has been constructed on L.R. Plot No. 182 under the same mouza.

This disputed question of fact cannot be adjudicated in the exercise of the writ jurisdiction of this Court.

Insofar as the allegation of construction without

permission from the Panchayat Authority is concerned, the photographs produced before this Court clearly indicate that the building had been constructed long prior to the filing of the writ petition. The petitioner, being a resident of the adjacent premises, consciously permitted the construction to proceed and be completed in his presence. After completion of the building, it is not open to the petitioner to seek an order of demolition on the ground that the construction allegedly lacks sanction from the Panchayat Authority.

Having knowingly allowed the construction to continue and having approached this Court only after completion of the building, the petitioner cannot now contend that the construction is being carried out without a sanctioned plan. Such conduct 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.

It further appears that the dispute between the parties is purely civil in nature, wherein the petitioner alleges encroachment upon his land by the respondent. The petitioner cannot be permitted to impart a public law character to a dispute that is essentially civil, particularly

at such a belated stage. The writ court cannot be utilised as an alternative forum to secure indirectly what cannot be obtained directly in a civil proceeding.

The allegation regarding the absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been raised merely to lend a semblance of public law colour to what is fundamentally a private conflict.

Accordingly, **WPA 4231 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.)**