

15.01.2026

ML759

**Ct. No.15
Suman**

WPA 4877 of 2025

Uma Rani Singha

-vs-

The State of West Bengal and Ors.

Mr. Samiran Mondal
Mr. Abhinaba Dan
..for the petitioner

Mr. Ansar Mondal
Mr. Asish Dutta
..for the State

Mr. Subhas Chandra Atha
Ms. Payel Pramanik
..for respondent no. 11.

It is the allegation of the petitioner that she is a co-sharer in respect of Plot No. 5669, Khatian No. 2311, J.L. No. 107, Mouza-Bhairabpur.

It is further alleged that Respondent Nos. 11 to 15, who are the other co-sharers in respect of the said property, have constructed a building on the said plot without obtaining any permission from the Panchayat Authority. It is also alleged that, in raising such construction, the classification of the concerned land was not converted from "Sali" to "Bastu".

Learned advocate appearing for the petitioner submits that the building was constructed even before the Panchayat Act, 1973 came into force. It is further submitted that Respondent Nos. 11 to 15 have instituted Partition Suit No. 202 of 2023 before the competent Civil Court.

The representation of the petitioner, appearing at page 17, makes it clear that prior to the filing of the present writ petition, the residential building of Respondent Nos. 11 to 15 was already in existence.

Having consciously permitted such construction to continue and having approached this Court only after completion of the building, the petitioner cannot now contend that the construction has been carried out without a sanctioned plan.

Such conduct attracts the well-established principles of delay, acquiescence, and want of bona fides. The writ jurisdiction under Article 226, being discretionary and grounded in equitable considerations, cannot be invoked to resurrect an equitable right which the petitioner has clearly forfeited.

Further, it appears that the dispute between the parties is purely civil in nature. The petitioner cannot be permitted to impart a public law colour to a dispute that is essentially private in nature, particularly at such a belated stage. The writ court cannot be utilised as an alternative forum to secure indirectly what is not obtainable directly in a civil proceeding.

The allegation regarding absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been

raised only to impart a semblance of a public law character to what is fundamentally a private conflict.

Accordingly, **WPA 4877 of 2025** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)