

A775 21-01-2026
AKG
Ct. 15

WPA 5107 of 2025
Panchu Gopal Purkait
Vs.
State of West Bengal & Ors.

Mr. Soujanya Bandyopadhyay
...for the Petitioner

The petitioner alleges unauthorised construction at the instance of respondent no. 9 on Plot No. 935, Mouza-Mankhand, Block-Diamond Harbour-II, District South 24 Parganas.

It is contended that respondent no. 9, by encroaching upon a portion of the land owned by the petitioner, has raised unauthorised construction without obtaining any permission from the Panchayat Authority.

The respondents are unrepresented. Let the affidavit of service filed by the petitioner be taken on record.

From the photographs annexed to the writ petition, appearing at page 26 thereof, it is evident that even at the time of filing of the writ petition, the roof of the first floor of the building had already been cast and construction on the first floor had also substantially progressed.

Having consciously permitted the construction to progress to such an advanced stage and having approached this Court only after substantial completion of the building, the petitioner cannot now be heard to 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. A writ court, applying settled principles of equity, would ordinarily decline to grant relief in favour of a litigant who knowingly allows a structure to be raised and thereafter seeks its demolition. The writ jurisdiction under Article 226 of the Constitution, being discretionary and equitable in nature, cannot be invoked to revive a right which the petitioner has, by his own conduct, forfeited.

Further, it appears that the dispute between the parties is purely civil in nature, involving allegations of encroachment upon land. The petitioner cannot be permitted to impart a public law colour to a dispute that is essentially private and civil in character, particularly at such a belated stage. The writ court cannot be utilised as an alternative forum to secure indirectly what is not directly obtainable 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 lend a semblance of public law character to what is fundamentally a private conflict.

Accordingly, **WPA 5107 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.)