

21.01.2026
Sl No.A792
Ct. No.15
S.A.

WPA 5428 of 2025

Madhabi Sardar

-vs-

State of West Bengal & Ors.

Mr. Sounak Bhattacharya

Mr. Sounak Mandal

...for the petitioner

Ms. Mousumi Halder Choudhury

...for the State

Mr. Pankaj Halder

Mr. Neelabha Bera

...for respondent no.7

The petitioner seeks initiation of demolition proceedings in respect of a residential building constructed by respondent no. 7. By referring to a communication dated January 27, 2025, issued by the Pradhan, Dhanurhat Gram Panchayat, learned counsel appearing for the petitioner submits that respondent no. 7 has raised the construction without obtaining any permission from the Panchayat Authority.

Learned counsel appearing for respondent no. 7, on the other hand, submits that the property in question was inherited by respondent no. 7 from his late father and that respondent no. 7, who is presently about 80 years of age, merely undertook renovation of the existing structure under a Poverty Alleviation Scheme introduced by the State.

This Court does not find it necessary to examine the aforesaid contention advanced on behalf of respondent no. 7.

The photographs relied upon by the petitioner herself, annexed at page 15 of the writ petition, clearly indicate that the building was in existence even at the time of filing of the writ petition.

The petitioner has failed to demonstrate any subsisting legal interest in the property in question, apart from asserting that she is a resident of the locality.

Having consciously permitted the construction to continue and having approached this Court only after completion of the building, the petitioner cannot now be permitted to 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. 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 grounded in equitable considerations, cannot be invoked to resurrect a right that the petitioner has, by her own conduct, forfeited.

Accordingly, **WPA 5428 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.)