

22.01.2026
Sl No.A813
Ct. No.15
S.A.

WPA 5775 of 2025

Arabinda Naskar

-vs-

State of West Bengal & Ors.

Mr. Satya Prakash Shaw

...for the petitioner

Mr. Vimal Kumar Shahi

Mr. Samim Ullah

...for the State

The petitioner alleges unauthorised construction at the instance of respondent nos. 5 and 6. However, apart from the petitioner's failure to disclose any right, title, or interest in respect of the property in question, it appears from the representation dated January 27, 2025, annexed at page 14 of the writ petition, that even prior to the filing of the present writ petition, two G+1 storied buildings had already been constructed by respondent nos. 5 and 6.

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

Such conduct squarely attracts the well-settled principles of delay, acquiescence, and lack of bona fides. A writ court, applying settled principles of

equity, would decline 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 founded upon equitable considerations, cannot be invoked to resurrect a right which the petitioner has, by his own conduct, forfeited.

Accordingly, **WPA 5775 of 2025** stands 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.)