

19.02.2026

Item No.A871.

Ct. No.15

Suman

WPA 6466 of 2025

Jayanta Rana and Anr.

-Vs-

The State of West Bengal and Ors.

Mr. Arun Kumar Maiti (Mohanty)

Ms. Kaberi Sengupta Mohanty

Mr. R. R. Mohanty

Mr. S. Sadhukhan

Ms. P. Chowdhury

Ms. R. Mazumder

Ms. P. Bala

..for the petitioners

The petitioners allege that respondent nos. 11 and 12 have undertaken unauthorized construction on L.R. Dag No. 1303, L.R. Khatian Nos. 3477 and 6230, J.L. No. 04, P.S. Panchla, District Howrah.

It is the petitioners' case that the said structure has been erected by filling up a pond without obtaining any permission from the competent Panchayat Authority.

However, the photograph of the building annexed at page 21 of the writ petition clearly indicates that a three-storied structure had already been completed well before the filing of the present writ petition. Furthermore, the petitioners do not assert any right, title, or interest in respect of the property in question. It is contended that

the writ petition has been instituted in the larger public interest.

Having consciously allowed the construction to proceed to completion and having approached this Court only thereafter, the petitioners cannot now contend that the construction was undertaken without a sanctioned plan. Such conduct attracts the well-settled principles of delay, acquiescence, and absence of bona fides.

A Writ Court, exercising jurisdiction under Article 226 of the Constitution of India, which is discretionary and founded upon equitable considerations, would ordinarily decline to grant relief in favour of a litigant who has permitted a structure to be raised and subsequently seeks its demolition. The extraordinary jurisdiction of this Court cannot be invoked to revive an equitable claim that the petitioners have, by their own conduct, forfeited.

Accordingly, **WPA 6466 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.)