

M/L. 901
19.02.2026
S.D.

W.P.A. 7848 of 2025

Binoy Ranjan Mondal
Vs.
The State of West Bengal & Ors.

Mr. Pradip Kumar Kundu
Mr. Partha Sarathi Mondal
....For the petitioner
Mr. Lalit Mohan Mahata, Ld. A.G.P.,
Mr. P.B. Mahata
...For the State

The petitioner alleges that unauthorized construction was undertaken at the behest of Respondent No. 7 on Plot No. 847, Mouza – Amrabati, J.L. No. 24, Frezerganj, 24-Parganas (South). The petitioner claims ownership of the said plot and submits that Respondent Nos. 6 and 7 have constructed a building thereon.

The petitioner merely asserts that the construction is illegal. However, the representation at page 22 clearly indicates that the building had been completed well before the filing of the writ petition.

Having consciously permitted the construction to proceed and having approached this Court only after completion of the structure, the petitioner cannot now

contend that the construction was undertaken without a sanctioned plan.

Such conduct attracts the well-established principles of delay, acquiescence, and absence 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 erected and thereafter seeks its demolition. The writ jurisdiction under Article 226, being discretionary and grounded in equitable considerations, cannot be invoked to revive a right which the petitioner has, by his own conduct, clearly forfeited.

Accordingly, W.P.A. 7848 of 2025 stands dismissed.

The dismissal of the writ petition shall not preclude the petitioner from seeking appropriate relief before the competent forum in accordance with law.

(Kausik Chanda, J.)