

25.02.2026
Ct. No. 15
Sl. No.939
skg

W.P.A. 8488 of 2025

**Anima Rout & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Ashim Kumar Routh,
Mr. Subhayan Barrik,
Ms. Manishka Dhar,
....for the petitioners

Mr. Bibekananda Tripathi,
Mr. Prashant Kumar Tripathi,
...for the State

Mr. Uttam Kumar Bhattacharya
...for the private respondent nos. 5 and 6

Learned counsel appearing for the petitioner submits that respondent no. 9 has constructed a building on land bearing Dag No. 839, Khatian No. 558, J.L. No. 134, Mouza Dakshin Charaikhia, allegedly belonging to the Zilla Parishad, Purba Medinipur. It is further alleged that the said construction has obstructed the ingress and egress of the petitioners and their family members. According to the petitioner, the building is being used for commercial purposes and has been constructed without obtaining any sanctioned plan from the Panchayat Authority.

The photographs produced before this Court, as well as the representation annexed to the writ

petition, clearly indicate that the writ petition has been filed after completion of the construction.

Having consciously permitted the construction to continue and having approached this Court only after completion of the building, the petitioner cannot now contend that the construction was undertaken without a sanctioned plan. Such conduct squarely attracts the well-settled principles of delay, acquiescence, and absence of bona fides. The writ jurisdiction under Article 226 of the Constitution, being discretionary and founded upon equitable considerations, cannot be invoked to revive a right that the petitioner has, by his own conduct, forfeited.

Further, it appears that the dispute between the parties is purely civil in nature, wherein the petitioners allege infringement of their easementary rights. The petitioners cannot be permitted to give a public law colour to a dispute that is essentially civil in nature, particularly at such a belated stage. The writ court cannot be utilised as an alternative forum to secure indirectly what is not obtainable directly 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 impart a semblance of a public law character to what is fundamentally a private conflict.

Accordingly, **W.P.A. 8488 of 2025** stands dismissed.

There shall be no order as to costs.

The petitioner is at liberty to approach the appropriate forum for redressal of his grievance, if so advised.

(Kausik Chanda, J.)