

14.01.2026
Item no.01
Ct. No.15
Suman

WPA 10244 of 2024
With
CAN 1 of 2026

Sri Santu Bhowmick
-vs-
The State of West Bengal and Ors.

Mr. Sudipta Dasgupta
Mr. Sutirtha Nayek
..for the petitioner

Mr. Biswanath Chatterjee
Mr. Soham Krishna Chatterjee
Mr. S. K. Pathak
..for respondent no.9

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
..for the State

The petitioner alleges unauthorised construction at the instance of respondent no. 9 without any permission from the concerned Panchayat. The photograph annexed to the writ petition clearly indicates that, even at the time of filing of the petition, a six-storied building had already been constructed.

Having consciously permitted the construction to proceed and having approached this Court only after substantial completion of the building, the petitioner cannot now 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. The writ jurisdiction under Article 226 of the Constitution, being discretionary in nature and founded on equitable considerations, cannot be invoked to revive an equitable right that the petitioner has clearly forfeited.

Learned counsel appearing for respondent no. 9 submits that the petitioner has already approached the Civil Court seeking an injunction restraining respondent no. 9 from making further construction, which relief was declined. The appeal preferred against the order refusing injunction was also dismissed.

The petitioner having already availed of the remedy before the Civil Court for redressal of his grievance cannot be permitted to impart a public law character 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 could not be obtained directly in civil proceedings.

The allegation regarding the absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been raised merely to lend a semblance of public

law colour to what is fundamentally a private conflict.

Accordingly, **WPA 10244 of 2024** along with **CAN 1 of 2026** 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.)