

15.01.2026
Sl. No. M/768
g.b.
Court No.15

W.P.A. 11886 of 2025
Sohrab Mallick
Vs-
The State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. T. Khan
Mr. Atanu Halder
.....For the Petitioner
Mr. Sabir Ahmed
Mr. Sudip Kumar Mandal
Mr. Dhiman Banerjee
.....For the Respondent No.10

The petitioner in the present case alleges unauthorised construction against Respondent No. 10. It is alleged that Respondent No. 10 has undertaken construction on Plot No. 5297, Khatian No. 6554, J.L. No. 49, under Mouza– Pantihal, P.S.–Jagatballavpur, District–Howrah. It is, however, an admitted position before this Court that Respondent No. 10 completed the construction of a G+2 storeyed residential building during the period of the Covid-19 pandemic.

The petitioner, being a neighbouring landholder, consciously permitted the construction to proceed and be completed in his full view without raising any contemporaneous objection.

Having consciously permitted such construction to continue and having approached this Court only after 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 want of bona fides. The writ jurisdiction under Article 226, being discretionary and grounded in equitable considerations, cannot be invoked to resurrect an equitable right that the petitioner has clearly forfeited.

It further appears to this Court that the present writ petition has been instituted as a counter-blast to the writ petition filed by Respondent No. 10 in WPA 4985 of 2025, wherein allegations of unauthorised construction were levelled against the petitioner.

In the aforesaid circumstances, this Court is not inclined to exercise its discretionary writ jurisdiction.

Accordingly, **WPA 11886 of 2025** is
dismissed.

(Kausik Chanda, J.)