

08.01.2026
Sl No.A 685
Ct. No.15
S.A.

WPA 13481 of 2024

Susanta Patra
-vs-
The State of West Bengal & Ors.

Mr. Bikram Banerjee
Mr. Arka Nandi
Ms. S. Das

...for the petitioner

Mr. Santanu Kumar Mitra
Mr. Amartya Pal

...for the State

Mr. Amit Pan
Mr. Sanat Biswas
Ms. Anandamayi Ghosh

...for the private respondents

The writ petition has been filed seeking reliefs couched in vague terms.

Mr. Bikram Banerjee, learned counsel appearing for the petitioner, submits that Private Respondent Nos. 13 to 59 have raised unauthorised constructions by filling up land recorded as “jal”.

The petitioner claims to be a resident of the locality. He does not, however, assert any ownership or proprietary right over the land upon which the alleged construction has been raised.

Mr. Amit Pan, learned counsel appearing for Private Respondent Nos. 13 to 59, submits that in the district of Purba Medinipur, the classification “jal” denotes agricultural land and does not refer to a water body. It is further submitted that the photograph annexed to the writ petition clearly demonstrates that,

at the time of filing of the writ petition, a two-storied residential building was already in existence.

Mr. Banerjee, learned counsel for the petitioner, further submits that other private respondents have also constructed similar unauthorised buildings.

It is not at all clear as to how the petitioner has been prejudiced or adversely affected by the construction of the residential building by the private respondents. Be that as it may, it is apparent from the materials on record that the residential buildings were already in existence even prior to the filing of the writ petition.

Having consciously permitted the construction to continue and having approached this Court only after completion of the buildings, the petitioner cannot now be permitted to contend that the constructions have been made without a sanctioned plan.

Such conduct squarely attracts the well-established principles of delay, acquiescence, and lack of bona fides. A civil court, applying settled principles of equity, would decline to grant an injunction in favour of a litigant who knowingly allows a structure to be raised and thereafter seeks its demolition. The writ jurisdiction under Article 226 of the Constitution of India, being equally discretionary and grounded in equitable considerations, cannot be invoked to revive

an equitable right that the petitioner has clearly forfeited.

Accordingly, WPA **13481 of 2024** 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.)