

Sl. No.ML695
08.01.2026
Suman
Ct. 15

WPA 20274 of 2024

Sukdev Manna
Vs.
The State of West Bengal and Ors.

Mr. Sandip Ghosh
Mr. Partha Sarkar
Ms. J. Dari
...for the petitioner

The petitioner alleges that Respondent No. 7 has raised an unauthorised construction. It is alleged that no permission was obtained from the concerned Panchayat Authority for raising the said construction. It is further submitted that the construction has been made without maintaining the mandatory open space.

From the photographs annexed to the writ petition, it appears that, even prior to the filing of the writ petition, the construction of the building in question had already been completed.

Having consciously permitted such construction to continue and having approached this Court only after substantial completion of the structure, the petitioner cannot now be permitted to contend that the construction is being carried out 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 20274 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.)