

WPA 25885 of 2025
Snehasis Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Rajib Kumar Basu

...for the Petitioner

Mr. Subhra Prakash Lahiri,
Mr. Biman Halder

...for the State

It is the grievance of the petitioner that his brother, respondent no. 4, has constructed a three-storied building without obtaining any permission from the Panchayat Authority. The petitioner claims ownership over the land in question.

The representation of the petitioner, appearing at page 14 of the writ petition, makes it clear that even prior to the filing of the present writ petition, the three-storied building had already been constructed by respondent no. 4. There is no pleading in the writ petition explaining why the petitioner did not approach this Court at an earlier stage.

Having consciously permitted such construction to continue 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 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. The writ court cannot be utilised as an alternative forum to secure indirectly what is not obtainable directly in a civil proceeding.

In view of the above, there is no justification for entertaining the present writ petition.

This order shall not preclude the petitioner from filing an appropriate civil suit in accordance with law.

Accordingly, **WPA 25885 of 2025** stands dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)