

WPA 26033 of 2025
Rajkumar Halder
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
...for the Petitioner

Mr. Biswarup Biswas
...for the State

Mr. Sounak Bhattacharyya,
Mr. Sounak Mondal
...for Respondent Nos. 11 & 12

Mr. Lakshminath Bhattacharya, learned counsel appearing for the petitioner, submits that respondent nos. 11 and 12 have undertaken unauthorised construction on a plot of land owned by the petitioner. It is contended that such construction was carried out without obtaining any permission from the Panchayat Authority and, therefore, the Panchayat Authority ought to initiate demolition proceedings pursuant to the petitioner's representation dated November 1, 2025.

From the photographs annexed to the writ petition, it appears that the building in question is an old, two-storied structure.

Learned counsel appearing for respondent nos. 11 and 12 submits that a partition suit is pending between the parties at the instance of the petitioner. It is further

submitted that the structure known as Domkal Uttan Smriti Yuba Sangha was constructed in the year 2017.

Though this Court is not in a position to ascertain the precise date of construction, the photographs on record clearly indicate that the building has been in existence for a long period of time.

In view of the aforesaid, this Court is of the opinion that, at this belated stage, the petitioner cannot seek initiation of demolition proceedings on the ground of absence of sanction from the Panchayat Authority.

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.

Accordingly, **WPA 26033 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.)