

Sl. No.27
06.01.2026
Suman
Ct. 15

WPA 26270 of 2025

Rajarshi Ray
Vs.
The State of West Bengal and Ors.

Mr. R. Mahato
Mr. A. S. Roy
..for the petitioner

Mr. S. Bera
..for respondent no.5.

Mr. Debnarayan Banerjee
Mr. Somnath Mukherjee
..for the State

The petitioner alleges that an unauthorised construction has been carried out at the instance of respondent no. 5 on the subject plot of land.

The grievance of the petitioner is that respondent no. 5 has established a fertilizer factory on the said land without obtaining conversion of the land and without securing the requisite permission from the Panchayat Authority.

The learned advocate appearing for the petitioner submits that the nature of the business carried on by respondent no. 5 does not alter the character of the land and that the agricultural nature of the land remains unchanged despite the operation of a fertilizer factory. It is further submitted that respondent no. 5 has obtained the

necessary permission from the Panchayat Authority to run the said business.

I am not inclined to entertain this writ petition.

The representation of the petitioner, read together with the photographs annexed to the writ petition, makes it evident that the fertilizer factory in question had already been constructed prior to the filing of the present writ petition.

The petitioner, being a co-sharer of the property and a resident of the same locality, consciously permitted the construction of the fertilizer factory to be completed in his presence. Having acquiesced in the construction, it is not open to the petitioner to challenge the operation of the business at this belated stage on the ground that the factory was constructed without a sanctioned plan from the Panchayat Authority. Such delayed action does not appear to be bona fide. It is also an admitted position that a partition suit between the parties, arising out of the self-same cause of action, is presently pending before the competent civil court.

The dismissal of this writ petition shall have no bearing on the pending partition suit.

Accordingly, **WPA 26270 of 2025** is 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.)