

20 19-01-2026  
AKG  
Ct. 15

**WPA 26865 of 2025**  
**Sudip Pal**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Muhammad Obaid  
...for the Petitioner  
Mr. Sabyasachi Mondal  
...for the State  
Mr. Sudarshan Ghosh  
...for Respondent No. 9

The petitioner alleges unauthorised construction at the behest of respondent no. 9. Learned counsel appearing for the petitioner submits that respondent no. 9, without obtaining any permission from the Panchayat Authority, has constructed a residential building on Plot Nos. 17, 18, 19, and 1 under J.L. No. 43, Mouza–Nayapukuria, Bakultala, North 24 Parganas.

The petitioner claims ownership of Plot Nos. 17 and 18. It is further submitted that the land in question is classified as “DOBA,” and that the construction has been undertaken without changing the classification of the land to “Bastu.”

Learned counsel appearing on behalf of respondent no. 9, on the other hand, submits that the construction of his residential building on Plot No. 1 was completed at least two years ago. The said plot is classified as “Sali,” and he owns the land. It is submitted that no construction has been carried out on Plot Nos. 17, 18, and 19.

There is no scope for this Court to examine the disputed questions of right, title, and interest in the relevant lands. From the photographs annexed to the writ petition, it is evident that at the time of filing, the construction of the residential building on Plot No. 1 by respondent no. 9 was already complete.

Having consciously permitted the construction to continue and approaching this Court only after completion of the building, the petitioner cannot now contend that the construction was carried out without a sanctioned plan. Such conduct engages the well-established principles of delay, acquiescence, and lack of bona fides. The discretionary writ jurisdiction under Article 226, being equally grounded in equitable considerations, cannot be invoked to resurrect a right that the petitioner has clearly forfeited.

Furthermore, it appears that the dispute between the parties is purely civil in nature, arising out of an alleged encroachment upon the petitioner's land. The petitioner cannot be permitted to impart a public law colour to a dispute that is fundamentally private, particularly at such a belated stage. The writ court cannot be used as an alternative forum to obtain indirectly what is not obtainable directly in a civil proceeding.

The allegation regarding the absence of a sanctioned plan is inextricably linked to the underlying civil dispute and appears to have been raised merely to confer a semblance of public law character on what is fundamentally a private conflict.

Accordingly, **WPA 26865 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.)**