

03.02.2026
Sl No.12
Ct. No.15
S.A.

WPA 27799 of 2025

**Riti Ranjan Bhunia alias Badal Chandra Bhowmik
-vs-
State of West Bengal & Ors.**

Mr. Kapil Chandra Sahoo
...for the petitioner
Mr. Md. Zakir Hossain
...for the State
Mr. R. N. Chakraborty
Mr. M. Ahmed
...for respondent no.7

The petitioner alleges that Respondent No. 7 has constructed a building on Plot No. 1636, J.L. No. 146, Khatian No. 325, Mouza-Kalaberia, Bhagwanpur, District-Purba Medinipur.

It is submitted by the petitioner that Respondent No. 7 has no right, title, or interest in the land in question and is merely a bargadar. However, from the representations made and the photographs annexed to the writ petition, it appears that the building was in existence well prior to the filing of the present writ petition.

Having consciously permitted such construction to continue and having approached this Court after a long delay, the petitioner cannot now contend that the construction was carried out without a sanctioned plan.

Such conduct attracts the well-established principles of delay, acquiescence, and lack of bona fides. A writ court, applying settled principles of equity, would decline to grant relief in favour of a litigant who knowingly allows a structure to be raised and long thereafter seeks its demolition. The writ jurisdiction under Article 226 of the Constitution of India, being discretionary and founded on equitable considerations, cannot be invoked to revive an equitable right that the petitioner has clearly forfeited.

Furthermore, it appears that the dispute between the parties is purely civil in nature. The petitioner cannot be permitted to impart a public law character to a dispute that is essentially private and civil in nature, particularly at such a belated stage. The writ court cannot be utilised as an alternative forum to secure indirectly what is not directly obtainable in a civil proceeding.

The allegation regarding the absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been raised solely to lend a semblance of public law character to what is fundamentally a private conflict.

This Court is not an appropriate forum for adjudicating the civil rights of the respective parties in the present writ petition.

Accordingly, **WPA 27799 of 2025** 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.)