

03.02.2026
Sl. No. 16
g.b.
Court No.15

W.P.A. 28156 of 2025

Manas Kumar Sahoo
Vs-
The State of West Bengal & Ors.

Sk, Rejaul Alam
.....For the Petitioner
Mr. Tapas Kr. Roy
.....For the State

The petitioner in the present case alleges unauthorised construction against respondent no. 8. It is contended that the construction has been carried out without changing the classification of the land from Doba to Bastu.

The learned Advocate appearing for respondent no. 8 has produced the sanctioned plan of the relevant building issued by the concerned Gram Panchayat.

A bare reading of the writ petition makes it evident that, at the time of filing of the writ petition, a two-storied building had already been constructed by respondent no. 8. It further appears that a branch of the State Bank of India has been operating from the said building for a considerable period of time.

The petitioner, being a neighbouring landholder, consciously permitted the construction to proceed and be completed in his full view without raising any contemporaneous objection. Having consciously permitted such construction to continue and having approached 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 squarely attracts the well-established principles of delay, acquiescence, and lack of bona fides. The writ jurisdiction under Article 226 of the Constitution, being discretionary and grounded in equitable considerations, cannot be invoked to revive an equitable right that the petitioner has clearly forfeited.

In the aforesaid circumstances, this Court is not inclined to exercise its discretionary writ jurisdiction.

Accordingly, **WPA 28156 of 2025** is dismissed.

(Kausik Chanda, J.)