

09.02.2026
Sl. No. 32
g.b.
Court No.15

W.P.A. 28638 of 2025

Smt. Lakshmi Rani Paul & Anr.
Vs-
The State of West Bengal & Ors.

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
.....For the Petitioners
Mr. Sounak Bhattacharya
Ms. Bipasha Bhattacharyya
....For the Respondent No.11
Mr. Gautam Lahiri
....For the Respondent No.9

The petitioners allege unauthorized construction at the behest of respondent no. 11. It is submitted that a shop room has been constructed on the land in question, which is classified as “Doba.” The classification of the land was not changed, and the construction was allegedly made without any sanctioned plan from the Panchayat authority.

Mr. Sounak Bhattacharya, learned counsel appearing for respondent no. 11, on the other hand, submits that a plan was duly sanctioned by the Panchayat on November 25, 1994, pursuant to which the construction in question was raised in the year 1995.

A copy of the sanctioned plan has been produced before this Court. This Court, therefore, finds no substance in the contention of the petitioners that the shop room was constructed without any sanctioned plan. Paragraph 7 of the writ petition also makes it clear that the shop room was in existence at the time of filing of the writ petition.

There is no dispute that the petitioners and respondent no. 11 are co-sharers. The petitioners, being neighboring landholders, consciously permitted the construction to proceed and to be completed in their full view without raising any contemporaneous objection. Having consciously allowed such construction to continue and having approached this Court only after completion of the building, the petitioners 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 a right that the petitioners have clearly forfeited.

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

Accordingly, **WPA 28638 of 2025** is dismissed.

(Kausik Chanda, J.)