

10.02.2026
Ct. No. 15
Sl. No.32
skg

W.P.A. 29453 of 2025

Utpal Mondal
Vs.
The State of West Bengal & Ors.

Mr. Subrata Karmakar,
...for the petitioner

Mr. Vimal Kumar Shahi, Ld. AGP
Ms. Sangeeta Roy,

...for the State

Mr. Soumya Nag,
Mr. Rajdeep Sengupta,

...for the respondent no.6 & 7

The petitioner alleges unauthorized construction by respondent nos. 6 and 7, contending that they have encroached upon a portion of land owned by him and carried out construction without permission from the Panchayat authority.

It appears, however, that the petitioner has already approached the Civil Court for redressal of his grievance, and an injunction order has been passed by the Civil Court. From the representations made by the petitioner, it further appears that the building in question existed prior to the filing of the writ petition and that a school is currently being operated in the relevant building.

Having consciously permitted the construction to continue and approaching this Court only after substantial 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 writ jurisdiction under Article 226 of the Constitution, being discretionary and grounded in equitable considerations, cannot be invoked to resurrect an equitable right that the petitioner has clearly forfeited.

Further, it appears that the dispute between the parties is purely civil in nature, arising out of alleged encroachment upon the petitioner's land. The petitioner cannot be permitted to impart a public law character to a dispute that is essentially private, particularly at such a belated stage. The writ court cannot be utilized as an alternative forum to secure indirectly what cannot be obtained directly 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 merely to lend a semblance of public law character to a fundamentally private conflict.

In the aforesaid circumstances, this Court is not inclined to entertain the writ petition.

Accordingly, **WPA 29453 of 2025** is dismissed.

(Kausik Chanda, J.)