

17.02.2026
Ct. No. 15
Sl. No.5
skg

W.P.A. 29418 of 2025

Dhruba Bhattacharya
Vs.
The State of West Bengal & Ors.

Mr. Soumyadeep Das,
Mr. Arya Bhattacharya,

....for the Petitioner

Mr. Arindam Chattopadhyay,
Mr. Debangshu Nandi,

....for the State

Mr. Subir Banerjee,
Ms. Sudeshna Maji,

...for the respondent no. 11 & 12

The petitioner alleges that Respondent Nos. 11 and 12 have made unauthorized construction. It is submitted that a residential building has been constructed on Plot No.815, J.L.No.73, L.R. Khatian No. 1275, Mouza-Bagbari, Police Station-English Bazar, District-Malda, without obtaining any permission from the competent Panchayat Authority. The petitioner asserts ownership over the said land with reference to the record of rights annexed to the writ petition.

Learned counsel appearing on behalf of Respondent Nos. 11 and 12, on the other hand, claims ownership over the said plot of land. It is further submitted that, from the representation made

by the writ petitioner, it is evident that the grievance primarily pertains to an allegation of encroachment.

It is also submitted that the construction of the building was completed at least two years prior to the filing of the writ petition. Although no sanctioned plan could be produced before this Court by Respondent Nos. 11 and 12 in respect of the said construction, this Court finds from the photographs annexed to the writ petition that the construction was in existence well before filing of this writ petition.

The petitioner cannot now contend that the construction was undertaken without a sanctioned plan. Such conduct clearly attracts the well-settled principles of delay, acquiescence, and absence of bona fides. The writ jurisdiction under Article 226 of the Constitution of India, being discretionary and founded upon equitable considerations, cannot be invoked to revive a claim that the petitioner has effectively forfeited by his own inaction.

Furthermore, it appears that the dispute between the parties is essentially civil in nature. Both the parties claim ownership over the relevant land. The petitioner cannot be permitted to attribute a public law character to what is fundamentally a private civil dispute, particularly at such a belated stage. The extraordinary jurisdiction of this Court cannot be utilized as an alternative forum to secure

indirectly what may not be obtainable directly through appropriate civil proceedings.

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 impart a semblance of public law character to a dispute that is, in substance, private.

Accordingly, this Court finds no merit in the allegations advanced in the writ petition. **W.P.A. 29418 of 2025** is, therefore, dismissed.

There shall be no order as to costs.

Urgent Photostat copy of this order, if applied for, be supplied to the parties on an urgent basis.

(Kausik Chanda, J.)