

10.02.2026
Ct. No. 15
Sl. No.34
skg

W.P.A. 29533 of 2025

**Sirajul Gazi & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Omar Faruk Gazi,
Ms. Bidisha Das,
Ms. Susmita Das,

...for the petitioners

Mr. Arjun Roy Mukherjee,
Mr. Biswajit Das,

...for the State

Mr. R.N. Dutta,
Mr. Sibasis Ghosh,

...for the respondent no.12.

The petitioner challenges the reasoned order dated June 12, 2025, passed by the Panchayat Pradhan, Bhowanipur II Gram Panchayat.

It is noted that the petitioner had earlier filed W.P.A. 25449 of 2024 before this Court, alleging unauthorized construction at the instance of respondent nos. 11 to 13. A co-ordinate Bench, by order dated November 18, 2024, had directed the Pradhan, Bhowanipur II Gram Panchayat, to consider the grievance of the petitioner.

Pursuant to the said direction, the order dated June 12, 2025, has been passed. The relevant portion of the order dated June 12, 2025, is quoted below:

“It is found that the respondents produced their relevant documents in support of their absolute possession in plot no. 1737/2352 at

Mouza-Gosalati, J.L. No. 78, Bhowanipore-II, Gram Panchayat, P.S. Hasnabad, District-North 24 Parganas like 3 separate certificates of the earlier Pradhans dated 5.12.78, 5.11.83, 28.05.2010 and also from their other documents like voter cards, aadhar cards, ration cards, panchayat tax receipts, birth certificates of their children, electric bills and also upon local enquiry that the respondents are in absolute possession of the aforesaid plot no. 1737/2352 since long more than 55 years and the land in question is totally a vested land and Madar Sardar since deceased and their sons/respondents herein were/are cultivating the major portion of the aforesaid plot no. 1737/2352 and in other portion the respondents are living by constructing their separate old structures and out of those structures one structure is found with complete roof wherein Ahmmed Sardar is living. Those structures of the respondents are found to be old one. Considering the submissions of the respondents and upon query from the petitioner it is ascertained that the petitioner and their father are not landless persons and they got their ryoti lands wherein the petitioner got their residential buildings and also got a substantial landed property.”

Having regard to the fact that the Panchayat Pradhan found that the petitioner has been in possession of the plot in question for over fifty-five years and that the construction is old, this Court is not inclined to interfere with the order of the Pradhan.

Learned Advocate appearing for the petitioner, however, asserts the petitioner’s right, title, and interest over the said plot. It is made clear that the findings in the order of the Pradhan cannot be construed as any declaration regarding the right, title, or interest of the property in question. The parties

shall have liberty to approach the appropriate forum for enforcement of their civil rights.

The learned Advocate for the petitioner further submits that the land in question is classified as agricultural land and that no sanctioned plan has been granted in favour of respondent nos. 11 to 13. Having consciously permitted the construction to continue and having approached this Court at a belated stage, 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. 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 utilised 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, W.P.A. 29533 of 2025 is dismissed.

(Kausik Chanda, J.)