

10.02.2026
Sl. No. 53
g.b.
Court No.15

W.P.A. 29872 of 2025

Ranjit Konai
Vs-
The State of West Bengal & Ors.

Mr. Subhendu Sanyal
.....For the Petitioner
Mr. Dipendra Nath Bose
....For the State
Mr. Amal Kr. Banerjee
....For the Private Respondent Nos. 8 and 9

The prayer for adjournment made on behalf of the petitioner is declined.

The present writ petition has been filed alleging unauthorized construction at the instance of respondent nos. 8 and 9.

Learned counsel appearing on behalf of respondent nos. 8 and 9 has produced the sanctioned building plan. Upon perusal of the same, it does not appear that there is any substance in the petitioner's allegation regarding unauthorized construction. It is evident that the sanctioned plan was duly granted in the year 2019 and that construction of the building had been completed well prior to the filing of the

present writ petition. It further appears that a civil suit between the parties is pending, wherein substantially similar reliefs have been sought in the plaint.

Having consciously permitted the construction to proceed and having approached this Court only after completion of the building, the petitioner cannot now be permitted to contend that the construction was undertaken without a sanctioned plan.

Such conduct squarely 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 which the petitioner has, by his own conduct, forfeited.

It further appears that the dispute between the parties is essentially civil in nature, the petitioner alleging encroachment

upon his land by the respondents. The petitioner cannot be permitted to confer a public law character upon a dispute that is fundamentally private, particularly at such a belated stage. The writ court cannot be invoked as an alternative forum to obtain indirectly what cannot be secured directly in a properly instituted civil proceeding.

The allegation concerning the absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been raised merely to lend an ostensible public law element to what is, in substance, a private conflict.

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

Accordingly, **WPA 29872 of 2025** stands dismissed.

(Kausik Chanda, J.)