

16.02.2026
Item No.30.
Ct. No.15
Suman

WPA 172 of 2026

Avijit Roy
-Vs-
The State of West Bengal and Ors.

Mr. Habibur Rahaman
Mr. A. Singh
Mr. N. A. Sardar
Mr. M Rahaman
..for the petitioner

Mr. Saibal Acharyya
Mr. Abdus Salam
..for the State

Mr. Partha Sarathi Mondal
..for respondent nos. 9 to 11

The petitioner alleges that respondent nos. 9 to 11 have raised unauthorised constructions on Plot Nos. 113, 117, 114, and 124, under Khatian No. R.S. 27, J.L. No. 25, Mouza-Lakshmipur Abad, P.S.-Fersherganj Coastal, District-South 24 Parganas.

According to the petitioner, although the lands originally belonged to his late father, respondent nos. 9 to 11 are asserting right, title, and interest therein on the basis of an allegedly forged deed of sale. It is also contended that the constructions were undertaken without obtaining permission from the Panchayat Authority.

Learned counsel appearing for respondent nos. 9 to 11, on the other hand, submits that the

respective residential buildings have been constructed under the Pradhan Mantri Awas Yojana. It is further submitted that, in view of the proviso to Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, such constructions do not require a sanctioned building plan.

It appears from the photographs on record that the residential buildings of respondent nos. 9 to 11 had been completed well before the filing of the present writ petition. Having consciously allowed the constructions to proceed and having approached this Court only after their completion, the petitioner cannot now contend that the constructions were carried out without a sanctioned plan.

Such conduct attracts the well-settled principles of delay, acquiescence, and absence of bona fides. A writ court, guided by settled equitable principles, would ordinarily decline relief to a litigant who permits a structure to be raised and thereafter seeks its demolition. The jurisdiction under Article 226 of the Constitution of India, being discretionary and founded upon equitable considerations, cannot be invoked to resurrect a claim that the petitioner has, by his own conduct, forfeited.

Moreover, it is evident that the dispute between the parties is essentially civil in nature, involving competing claims of title. The petitioner cannot be permitted to impart a public law character to what is fundamentally a private civil dispute, particularly at such a belated stage. The writ court cannot be utilized as an alternative forum to secure indirectly what may not be obtainable directly in 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 lend a semblance of public law character to what is, in substance, a private conflict.

Accordingly, **WPA 172 of 2026** stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)