

23.03.2026
rc/ct.no.15
Item No.32

WPA No. 4042 of 2026
Bahar Sk.
Versus
The State of West Bengal & Ors.

Mr. Sanjib Seth ..for the petitioner

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
..for the private respondent

Mr. Ayan Banerjee
Mr. Aniruddha Sen ..for the State

Affidavit of service filed by the petitioner is taken on record.

The petitioner claims to be a co-owner in respect of the plot in question along with the private respondents and submits that the private respondents are raising illegal construction therein without obtaining sanction from the Gram Panchayat.

Learned counsel for the private respondents submits that the petitioner filed a partition suit as co-owner of the property against the private respondents before the learned Civil Judge (Senior Division), Kandi, Murshidabad. The suit was dismissed by a judgment delivered on December 17, 2025. The petitioner, therefore, cannot be said to be the co-owner in respect of the property.

The fact of the partition suit has not been disclosed by the petitioner in the writ petition who, despite dismissal of the suit, has claimed to be a co-owner of the property herein. The petitioner has suppressed the material fact before this Court.

It is trite law that a person seeking relief before a court of law should approach the Court with clean hands. In view of the fact that the petitioner has not approached the Court with clean hands and has deliberately suppressed material fact before this Court, he is not entitled to any relief herein.

The writ petition is accordingly dismissed.

There shall, however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)