

WPA 23986 of 2025

**Bijoy Kumar Ghorai @ Bijay Ghorai
Vs.
The State of W. B. & Ors.**

Mr. M.A. Samad
Mr. Taher Ahamad ...for the petitioner.

Mr. Udaynarayan Betal
Mr. Mriganka Patra ..for respondent no.7.

Challenging the maintainability of the writ petition, learned counsel for the private respondent submits that the petitioner who is admittedly a co-sharer in respect of the plot in question along with the private respondent, filed a title suit against the private respondent being TS 37 of 2021, wherein he has stated that the three brothers including the petitioner have raised a three-roomed house in the plot in question.

The petitioner sought declaration of his possession in respect of the property and mandatory injunction directing the defendant (the private respondent herein) to remove the padlock of the building. This fact has been deliberately suppressed by the petitioner in the writ petition.

The private respondent seeks dismissal of the writ petition solely on such ground.

The copy of plaint in TS 37 of 2021 produced by the private respondent corroborates the submission made on behalf of the private respondent. The construction in question appears to have been made prior to institution of

the title suit. Such fact has been deliberately suppressed by the petitioner in the present application.

The petitioner has submitted that the said construction has been raised by the private respondent without obtaining sanction from the concerned authority though the plaint of the title suit discloses that such construction was made by the three brothers including the petitioner and the private respondent long back. Such conduct of the petitioner amounts to deliberate suppression of material fact by the petitioner before this Court.

It is trite law that any person seeking relief before a Court should come before the Court with clean hands. Herein, since the petitioner has not approached the Court with clean hands and has deliberately suppressed material facts, he is not entitled to any relief in this application.

Accordingly, the writ petition is dismissed solely on such ground.

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.)