

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) No.01 of 2026

1. Sri Ajay Debnath, S/O. Sri Jiban Debnath, R/O. Tepania, P.O. Tepania, P.S. R.K. Pur, Dist.-Gomati, PIN-799114, Aged about-26 years.
2. Sri Rajib Ranjan Dey, S/O. Sri Sujit Kr. Dey, R.O. Tepania, P.O. Tepania, P.S. R.K. Pur, Dist.-Gomati, PIN-799114, Aged about 29 years.
3. Sri Chandan Debnath, S/O. Sri Gokul Debnath, R/O. Tepania, P.O. Tepania, P.S. R.K Pur, Dist.-Gomati, PIN-799114, Aged about-33 years.
4. Sri Sanjay Ranjan Dey, S/O. Sri Sujir Kr. Dey, R/O. Tepania, P.O. Tepania, P.S. R.K Pur, Dist.-Gomati, PIN-799114, Aged about 29 years.
5. Sri Biplab Debnath, S/O. Sri Jiban Debnath, R/O. Tepania, P.O. Tepania, P.S. R.K. Pur, Dist.-Gomati, PIN-799114, Aged about-49 years.

..... Petitioner(s).

V E R S U S

1. The State of Tripura, Represented by its Secretary, Public Works Department (R & B), Government of Tripura, P.O. Secretariat, P.S. New Capital Complex, District-West Tripura, Pin-799010.
2. The Chief Engineer, Public Works Department(R & B), Public Works Department (R & B), Government of Tripura, P.O.-Agartala, P.S. West Agartala, District-West Tripura, Pin-799001.
3. The Executive Engineer, Public Works Department (R & B), Government of Tripura, P.O. & P.S.- R.K. Pur, Udaipur Sub-Division, District-Gomati, Pin-799120.
4. The Secretary, Health and Family Welfare Department, Government of Tripura, P.O. Secretariat, P.S. New Capital Complex, District-West Tripura, Pin-799010.
5. The Chief Medical Officer, Gomati District, Health and Family Welfare Department, Government of Tripura, P.O. & P.S. R.K. Pur, District-Gomati, Pin-799120.
6. The Medical Superintendent, Gomati District Hospital, P.O. & P.S. R.K. Pur, Udaipur, District-Gomati, Pin-799120.
7. The Secretary, Revenue Department, Govt. of Tripura, P.O. Secretariat, P.S. New Capital Complex, District-West Tripura, Pin-799010.
8. The District Magistrate & Collector, Gomati District, P.O. & P.S. R.K.Pur, District-Gomati, Pin-799120.
9. The Chief Secretary, State of Tripura.

.....Respondent(s).

For Petitioner(s)

: Mr. Arijit Bhaumik, Advocate,
Ms. Ishpa Chakma, Advocate,
Mr. Uday Das, Advocate.

For Respondent(s)

: Mr. Mangal Debbarma, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

CAV reserved on : **06.04.2026.**

Judgment delivered on : **23.04.2026.**

Whether fit for reporting : **YES.**

JUDGMENT & ORDER

(M.S. Ramachandra Rao, C.J.)

1) Heard Mr. Arijit Bhaumik, counsel appearing for the petitioners and Mr. Mangal Debbarma, Addl. Government Advocate appearing for the State respondents.

2) This Public Interest Litigation was filed by 5 petitioners seeking a direction to remove an alleged illegal encroachment as well as construction on the public road situated at Plot No.1481, corresponding to Old Plot No.1860, Khatian No.3/1 connecting Tepania to Barabhaiya, Udaipur Sub-Division, Gomati District.

3) All the petitioners are residents of Tepania. Petitioner No.1, 3, 5 are businessmen and petitioner No.2 and 4 are teachers.

The case of the petitioners:

4) They contended in the Writ Petition that there is a pucca public road in Old Plot No.1860, Khatian No.3/ of Moauja Radhakishorepur Reserved Forest, tehsil-Dhwajanagar, revenue Circle-Udaipur, that it is public road and recorded as a 'road' in the Jhatian No.3/1, and that the said road is connecting Tepania to Barabhaiya villages and is meant for public use.

5) According to petitioners, this public road belongs to Government of Tripura and the Public Works Department (R&B) of the State Government is maintaining it.

6) They claimed that the said road has been existence for about 50 years, but in June 2025, the said road had been blocked by the officials of the District Hospital of Gomati District by constructing iron made pillars and installing tin sheets. The petitioners claim that they objected to this blockage of the road. They contend free movement of public cannot be prevented on such a public road.

7) After giving a representation dt.8.7.2025 and issuing a legal notice dt.8.12.2025, which did not elicit any response from the respondents, they filed the Writ Petition (PIL).

8) The petitioners impleaded the PWD Department officials (respondent nos.1-3), the Health and Family Welfare Department officials (respondent no.4), the Chief Medical Officer, Gomati District (respondent no.5), the Medical Superintendent, Gomati District Hospital (respondent no.6), the Secretary, Revenue Department (respondent no.7) and the District Magistrate and Collector, Gomati District (respondent no.8).

The events after filing of the Writ Petition:

9) When this case was first listed on 10.2.2026, this Court issued notice to all respondents and Sri Mangal Debbarma, Additional Government Advocate, accepted notice for all respondents.

10) This Court directed listing of the case on 2.3.2026 and directed that counter affidavits be filed by all respondents by the said date.

The stand of the respondents:

11) The Dy. Secretary of the PWD Department filed a counter affidavit dt.27.2.2026 *on behalf of all the respondents.*

12) He admitted that there was an encroachment upon the subject road passing through the premises of the Gomati District Hospital; and that the Executive Engineer, PWD (R&B), Udaipur had addressed a communication dt.17.2.2026 (Annexure-R/1) to the Sub-Divisional Magistrate, Udaipur Sub-Division, Gomati requesting appropriate action for removal of the said illegal encroachment in accordance with law; and that further action by the said official is awaited.

13) No official of any other Department filed any Counter affidavit separately.

The order dt.2.3.2026 passed by this Court:

14) Basing on this affidavit, this court passed an order on 2.3.2026 finding fault with the Respondent nos.4-6 for indulging in illegal encroachment of the public road inconveniencing the residents by putting pillars and fencing of tin sheets.

The respondent no.8 was directed to ensure that the needed steps be taken to remove the said encroachment.

This Court also impleaded the Chief Secretary of the State of Tripura *suo motu* as respondent no.9 in the Writ Petition and requested him to ensure that the respondent nos.4-6 remove the said encroachment.

Direction was given to respondents 8 and 9 to file counter affidavits in the matter.

The counter affidavit of the respondent no.8 (District Magistrate and Collector, Gomati District):

15) On 24.3.2026, the respondent no.8 filed an affidavit stating that demolition of the structures erected was carried out and a demolition report dt.10.3.2026 was also filed by him.

The counter affidavit of the respondent no.9 (the Chief Secretary, State of Tripura):

16) But the Chief Secretary, State of Tripura (respondent no.9) filed an affidavit on 3.4.2026 revealing certain startling facts not disclosed in the previous counter affidavit dt.27.2.2026 of the Dy. Secretary, PWD (R&B) Department and also that of the District Collector (respondent no.8) filed on 24.3.2026.

17) We shall now set out these facts below. According to the counter affidavit of the Chief Secretary:

- a) The subject road traverse through the District Hospital, Gomati district premises connecting NH-08 with east Barabhaiya which is at the backside of the District Hospital , Gomati;
- b) The said road had been in existence much prior to the establishment of the District Hospital, Gomati which became operational in 2012.
- c) Inside the Hospital premises, Maternity and Child Care (MCH) Wing and District Early Intervention wing (DEIC) are located on one side of the road and on the other side of the road is the office of the Medical Superintendent along with residential quarters adjacent to the road; A map was also filed as Annexure R-2;
- d) As the road passes through the Hospital premises, plying of heavy vehicles like trucks and buses through the road was causing

severe inconvenience to the patients, mainly women and infants/children admitted in the Maternity and Child Care Wing;

e) There were also several instances of breaking of grills and glasses in Govt. Staff quarters by unknown elements along with stealing of valuable items such as electric wires, Generator Battery, diesel oil and parts of Air Conditioners raising concern of safety and security of patients, Doctors and staff members residing in the Hospital premises;

f) The Medical Superintendent of the District Hospital had lodged FIRs on 2.4.2022 and 16.9.2022 and a GD Entry was also made on 2.6.2023 regarding thefts;

g) On 9.8.2023, a person by name Biplab Debnath was also caught red-handed while stealing electric wires from the Hospital quarters; These documents were filed as Annexure R-3;

h) So the Medical Superintendent, District Hospital, Gomati approached the Block Development Officer, Tepania R.D. Block requesting for closure of the village road traversing through the hospital premises through a letter dt.11.7.2024 and also approached the Executive Engineer, Udaipur Division, PWD(R&B) on 5.11.2025 for closure of the same road citing safety and security of the hospital; these documents were filed as Annexure R/4;

i) Considering the safety and security within the hospital premises, a decision was taken in the Rogi Kalyan Samiti (RKS) meeting dt.2.12.2025 chaired by the respondent no.8 and a

direction was given to the Executive director, Udaipur Division, PWD (R&B) for closure of the road at the back side of the hospital premises permanently with brick boundary wall within 5 days for the safety and security of the hospital. The Minutes of the meeting dt.27.12.2025 is filed as Annexure –R/5.

j) Subsequently NOC was also obtained from the Gram Panchayats (Pradhan) of Tepania, Barabhaiya and Pura Barabhaiya Panchayats by the Medical Superintendent through the BDO, Tepania RD Block vide letter dt.27.5.2025.

k) Only thereafter, the road was closed.

18) The Chief Secretary (Respondent no.9) has also stated that the respondent no.8 had directed the Rural Development Department to construct an alternative road under MNREGA for public convenience and that *the said alternative road was also completed on 13.2.2025*. The said road, according to him, is 65m long and it provides a shorter and direct access to the NH-8 road. He stated that in due course, this is proposed to be black topped for better vehicular movement.

19) Once the respondents have provided an alternative road to residents of Tepania like the petitioners to access the NH-8 road, they cannot insist that they should be permitted to use the subject road merely because the record of rights or the Khatian record it as a Public road.

The consideration by the Court:

20) From the above, it is clear that only to prevent severe inconvenience due to passing of vehicles including heavy vehicles with the accompanying sound and vehicular pollution to mothers and children and

other patients in the District Hospital, Gomati, and also keeping in view the incidents of theft of valuables from the quarters located in the Hospital premises, the decision to close the road passing through the said Hospital premises was taken, and it was then got closed after consultation with the respective Gram Panchayats and Rogi Kalyan Samiti (RKS).

21) Thus there was ample justification for the respondent Nos.4 and 5 to close the subject road.

22) The petitioners cannot claim ignorance of the fact that the subject road traverses through the District Hospital, Gomati and that there is a Maternity and Child wing (MCH) located on one side of the road. But they suppressed this crucial and material information from the Court in their pleading in the Writ Petition.

23) The petitioners, in our opinion, cannot be oblivious to the severe inconvenience to mothers and infants/children admitted in the MCH Wing and expect them to suffer when heavy trucks and other vehicles cause noise and pollution while passing on the road portion passing through the Hospital premises.

24) The fact that the subject road was a public road in certain official records cannot alone be the determinative factor for allowing men and vehicles to pass through it because the women and infants admitted in the Maternity and Child Wing require peace and quiet for their health, and their interests prevail over that of the petitioners. Since an alternative road has been provided to access the National Highway, no serious prejudice or inconvenience can be claimed to have been caused to the petitioners.

25) But the petitioners suppressed material facts from this Court and secured from the Court an order on 2.3.2026 to demolish the structures erected on the subject road for good and valid reasons. This unconscionable conduct of the petitioners cannot be countenanced.

26) In ***Dalip Singh v. State of U.P.¹***, it was held that persons suppressing material facts and securing orders from the Court cannot be granted any relief. It was declared:

“2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.

6. In ***S.P. Chengalvaraya Naidu v. Jagannath²*** the Court held that where a preliminary decree was obtained by withholding an important document from the court, the party concerned deserves to be thrown out at any stage of the litigation.

7. In ***Prestige Lights Ltd. v. SBI³*** it was held that in exercising power under Article 226 of the Constitution of India the High Court is not just a court of law, but is also a court of equity and a person who invokes the High Court's jurisdiction under Article 226 of the Constitution is duty-bound to place all the facts before the Court without any reservation. If there is suppression of material facts or twisted facts have been placed before the High

¹ (2010) 2 SCC 114

² (1994) 1 SCC 1

³ (2007) 8 SCC 449

Court then it will be fully justified in refusing to entertain a petition filed under Article 226 of the Constitution. This Court referred to the judgment of Scrutton, L.J. in **R. v. Kensington Income Tax Commissioners**⁴, and observed: (Prestige Lights Ltd. case, SCC p. 462, para 35)

“In exercising jurisdiction under Article 226 of the Constitution, the High Court will always keep in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, then the Court may dismiss the action without adjudicating the matter on merits. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible”.

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9. In **Sunil Poddar v. Union Bank of India**⁵ the Court held that while exercising discretionary and equitable jurisdiction under Article 136 of the Constitution, the facts and circumstances of the case should be seen in their entirety to find out if there is miscarriage of justice. If the appellant has not come forward with clean hands, has not candidly disclosed all the facts that he is aware of and he intends to delay the proceedings, then the Court will non-suit him on the ground of contumacious conduct.

10. In **K.D. Sharma v. SAIL**⁶ the Court held that the jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is

⁴ (1917) 1 KB 486 (CA)

⁵ (2008) 2 SCC 326

⁶ (2008) 12 SCC 481

extraordinary, equitable and discretionary and it is imperative that the petitioner approaching the writ court must come with clean hands and put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merits of the claim.....”(emphasis supplied)

27) We are equally surprised that in the counter affidavit filed by the Dy. Secretary, PWD (R&B) Department *on behalf of all the respondents* also, these crucial and material facts are not stated.

28) Had these important facts stated in the counter affidavit of the Chef Secretary had been brought to the notice of the Court by the petitioners in the first instance, or by the respondents in their counter affidavit dt.17.2.2026, this Court would not have passed the order on 2.3.2026 for demolition of the structures put up on the subject road.

29) The Court would undoubtedly have given priority to the interests of the mothers and young children admitted in the MCH wing of the Hospital over the petitioners' claim to the use of the subject road.

30) The Dy. Secretary, PWD had certainly been remiss in placing the full facts before this Court, and rightly, a show cause notice had been issued to him seeking explanation for misrepresenting facts.

31) We hold that the petitioners had come to the Court with unclean hands, suppressed relevant and material facts from this Court, and persuaded this Court to direct demolition of the structures on the subject road jeopardising public interest. They have in fact committed contempt of Court.

32) In **Kusha Duruka v. State of Odisha**⁷, the Supreme Court held that deceiving the Court by fraud or suppression or concealment of facts amount to contempt of court.

"This is another case in which an effort has been made to pollute the stream of administration of justice.

2. ...About three decades ago, this Court in **Chandra Shashi v. Anil Kumar Verma**⁸ was faced with a situation where an attempt was made to deceive the Court and interfere with the administration of justice. The litigant was held to be guilty of contempt of court. It was a case in which the husband had filed fabricated document to oppose the prayer of his wife seeking transfer of matrimonial proceedings. Finding him guilty of contempt of court, he was sentenced to two weeks' imprisonment by this Court. This Court observed as under : (SCC pp. 423-24 & 427, paras 1-2 & 14)

"1. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned.

2. Anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice.

⁷ (2024) 4 SCC 432

⁸ (1995) 1 SCC 421

14. The legal position thus is that if the publication be with intent to deceive the court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice. It would, in any case, tend to interfere with the same. This would definitely be so if a fabricated document is filed with the aforesaid mens rea. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt.”

3. In **K.D. Sharma v. SAIL**(6 supra) it was observed by this Court : (SCC p. 493, para 39)

“39. If the primary object as highlighted in **Kensington Income Tax Commrs.**³ is kept in mind, an applicant who does not come with candid facts and “clean breast” cannot hold a writ of the court with “soiled hands”. Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court.” (emphasis supplied)

33) Such contemnors cannot be allowed to enjoy the fruits of their contempt by taking advantage of the demolition of the structures put up on the

subject road pursuant to this Court's order dt.2.3.2026 secured by them by suppressing relevant and material facts.

34) In **Delhi Development Authority v. Skipper Construction Co. (P) Ltd.**⁹, the principle that a contemnor ought not to be allowed to permitted to enjoy the fruits of his contempt has been declared. The Supreme Court has held:

*"17. The principle that a contemner ought not to be permitted to enjoy and/or keep the fruits of his contempt is well settled. In Mohd. Idris v. Rustam Jehangir Babuji*¹⁰ *this Court held clearly that undergoing the punishment for contempt does not mean that the court is not entitled to give appropriate directions for remedying and rectifying the things done in violation of its orders. The petitioners therein had given an undertaking to the Bombay High Court. They acted in breach of it. A learned Single Judge held them guilty of contempt and imposed a sentence of one month's imprisonment. In addition thereto, the learned Single Judge made appropriate directions to remedy the breach of undertaking. It was contended before this Court that the learned Judge was not justified in giving the aforesaid directions in addition to punishing the petitioners for contempt of court. The argument was rejected holding that "the Single Judge was quite right in giving appropriate directions to close the breach (of undertaking)".*

*18. The above principle has been applied even in the case of violation of orders of injunction issued by civil courts. In Clarke v. Chadburn*¹¹ *Sir Robert Megarry V-C observed:*

"I need not cite authority for the proposition that it is of high importance that orders of the court should be obeyed. Wilful disobedience to an order of the court is punishable as

⁹ (1996) 4 SCC 622, at page 635

¹⁰ (1984) 4 SCC 216

¹¹ (1985) 1 ALL ER 211

a contempt of court, and I feel no doubt that such disobedience may properly be described as being illegal. If by such disobedience the persons enjoined claim that they have validly effected some change in the rights and liabilities of others, I cannot see why it should be said that although they are liable to penalties for contempt of court for doing what they did, nevertheless those acts were validly done. Of course, if an act is done, it is not undone merely by pointing out that it was done in breach of the law. If a meeting is held in breach of an injunction, it cannot be said that the meeting has not been held. But the legal consequences of what has been done in breach of the law may plainly be very much affected by the illegality. It seems to me on principle that those who defy a prohibition ought not to be able to claim that the fruits of their defiance are good, and not tainted by the illegality that produced them.”

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21. *There is no doubt that this salutary rule has to be applied and given effect to by this Court, if necessary, by overruling any procedural or other technical objections.”*

35) For all the afore said reasons, we hold that the petitioners had suppressed material and relevant facts from this Court with a *malafide* intention to mislead this court and secure an order for removal of structures erected on the subject road and also managed to secure such order on 2.3.2026. They have thus polluted the stream of justice and committed contempt of court also. They cannot be allowed to enjoy the fruits of their actions.

36) There is a need for this Court to ensure that the injustice done i.e. the demolition of structures done pursuant to the order dt.2.3.2026, be

remedied *ex deibito justitae* as such order was secured by petitioners by suppressing relevant and crucial facts from this Court.

37) Therefore, the respondents are directed to erect the structures on the subject road as they existed prior to their demolition on 10.3.2026 and recover the cost thereof from the petitioners. The petitioners shall also each pay to the “Tripura High Court Legal Services Committee” a sum of Rs.15,000/- as exemplary costs within 4 weeks.

38) The W.P.(C)(PIL) is disposed of accordingly.

Pending application(s), if any, also stands disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



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