

05.12.2025
rc/ct.no.05
Item No.23

WPA No. 24227 of 2025
Smt. Santa Dutta Gupta
Versus
The State of West Bengal & Ors.

Mr. A. Roy	
Mr. T. Biswas	..for the Petitioner
Mrs. Rupsa Chakraborty	for the State
Mr. Shaynak Ghosh	
Mr. Purusottam Basak	
Ms. Shreyashi Maity	...for the private respondent

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

None appears for the respondents despite service.

Mrs. Rupsa Chakraborty, learned advocate, who usually appears on behalf of the State and is present in Court today, is requested to represent the State in this matter. The concerned authority is requested to regularise her appointment in this matter.

The petitioner is directed to serve a copy of this application along with annexure thereto upon Mrs. Chakraborty in course of this day.

It is not in dispute that though the petitioner claims to be the owner of the property in question, she has in fact executed a deed of conveyance for sale of the property in favour of the private respondent upon receipt of entire consideration amount.

Learned counsel for the private respondent submits that since the petitioner has failed to make over possession of the property to the private respondent despite selling out the same, the private respondent has filed an eviction suit against the petitioner which is pending. Such fact has been deliberately suppressed by the petitioner in the writ petition.

In the event the eviction suit was filed after the present writ petition was filed, the petitioner ought to have disclosed the same before this Court by way of a supplementary affidavit. That has not been done. Admittedly the petitioner has appeared in the eviction suit and is contesting the same.

In view of the above, this Court is inclined to hold that the petitioner is guilty of deliberate suppression of material fact before this Court and the petitioner has not come before this Court with clean hands. She does not deserve any relief solely on such ground.

The writ petition is dismissed.

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

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh,J)

