

11.12.2025
Item No.34
Ct. No.01
RP

WPA(P) 479 of 2025
Mohan Paul & Anr.
VS.
The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha
..For Petitioners
Mr. Nilotpal Chatterjee
Mrs. Joyeta Mitra
..For State
Mr. Sudarsan Roy
Mr. Romit Bose
Ms. Diptarka Majumdar
Mr. Niladree Mukherjee
..For Private Respondents
Mr. Chayan Gupta
Mr. Aviroop Mitra
..For Respondent No.5

PER, SUJOY PAUL, ACJ.:

1. Parties are represented through their respective counsels.
2. Learned counsel for the petitioners submits that by way of this PIL the petitioners have prays for removing unauthorized encroachment from public place. On more than one occasions this Court asked him as to whether he has filed any proof in support of his allegations/averments, whether any photographs, copy of revenue record etc. is filed to show that private respondents are encroachers. Sadly, a vehement reply of the counsel for petitioners is that let the respondents come forward with the record in view of this petition.
3. In our considered opinion, the duty is on the shoulders of the petitioners to make out a prima facie case for

interference by showing some proof of encroachment, only then the State may be directed to file their report.

4. Mr. Chatterjee, learned counsel for the State produced a copy of the order sheet dated 14.10.2025 passed by the Sub-Divisional Magistrate, Ghatal, Paschim Medinipur which shows that present petitioners themselves are encroachers and they were directed to remove the same by the competent authority.
5. Faced with this, learned counsel for the petitioners submits that even assuming that present petitioners are encroachers, fact remains the private respondents are also encroachers.
6. The writ jurisdiction in our opinion is an equity jurisdiction and one has to approach the Court with clean hands, clean mind, clean heart and clean objective **(See: Manohar Lal v. Ugrasen (2010 (11) SCC 557); Amar Singh v. Union of India (2011 (7) SCC 69 (E), 639); Prestige Lights Ltd. v. SBI (2007 (8) SCC 449 (35)); Vidur Impex & Traders (P) Ltd. v. Tosh Apartments (P) Ltd. (2012 (8) 384) and Rajendra Singh Rawat Vs. State of M.P (ILR 12 (MP) 2660))**. If a petitioner approaches the Court with a pair of dirty hands by suppressing material facts, no relief is due to such petitioner. It was obligatory on the part of the petitioners to inform that they were subjected to a proceeding for removing encroachment.

7. At this stage, the counsel for the petitioners seeks to withdraw this petition with liberty to file afresh.
8. We are not inclined to allow the prayer of the petitioners in view of conduct of the petitioners. We are inclined to dismiss the petition, we order accordingly.
9. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned counsels for the parties, upon compliance of all formalities.

[SUJOY PAUL, ACJ.]

[PARTHA SARATHI SEN, J.]