

February 9, 2026
(8) ARDR

WPA 8149 of 2023

Nurjahan Bibi & ors.
Vs.
The State of West Bengal & ors.

Adv. Goutam Roy,
Adv. Jagabandhu Ray

... for the petitioners.

Adv. Partha Pratim Roy,
Adv. Poulami Chakraborty,
Adv. Samrat Chakraborty,

...for the private respondents.

Adv. Ansar Mondal,
Adv. Srilekha Bhattacharyya,

...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that the petitioners are the recorded owners of the property in question. The private respondents have been disturbing their peaceful possession therein for which they lodged a complaint before the police authority which has not been acted upon.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioners, prosecution has been submitted under Section 107 of the Code of Criminal Procedure. The report further reveals that a Title Suit was filed by the petitioners against the private respondents seeking declaration of title and permanent injunction and also for a further declaration that the hebanama executed in favour of the private respondents was void. The suit was dismissed. The Title Appeal preferred against the said dismissal was also dismissed.

The petitioners filed a writ petition on the self same issue as in the present petition and by an order passed on 22nd August, 2022, a coordinate Bench of this Court observed that in view of the disputes with regard to title and possession which have been adjudicated by the civil Court and which have been suppressed by the writ petitioners, no further order was required to be passed.

These facts have been deliberately suppressed by the petitioners in the present application. It is trite law that a person who approaches the Court for relief should come before the Court with clean hands. One who approaches the Court with unclean hands is not entitled to any relief from the Court of law. Herein, the petitioners have deliberately suppressed the material facts before this Court and have not come with clean hands to seek relief. The writ petition is liable to be dismissed.

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.)