

January 21, 2026
(23) ARDR

WPA 17548 of 2025

Mantu Prasad Lall & ors.
Vs.
The State of West Bengal & ors.

Adv. Dinendranath Chatterjee,
Adv. Subhash Chandra Saha,
Adv. Ramkrishna Biswas,
Adv. Santanu Mondal

... for the petitioners.

Adv. Debdipto Banerjee,
Adv. Soumen Banerjee,

...for the respondent nos.5 & 6.

Adv. Suman Sengupta,
Adv. Dipendu Narayan Banerjee,

...for the State.

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

Learned counsel for the petitioners submits that the petitioners and the private respondent are owners of individual units in a multistoried building named Amulya Bhavan. The petitioners allege that the private respondents have been illegally encroaching upon the common area in the roof as well as in the ground floor of the building and are converting the ground floor space into commercial space for their personal use. The petitioners lodged complaint before the police authority in this regard which has not been acted upon.

Learned counsel for the private respondents draws the attention of the Court to a Title Suit filed by the petitioners against one of the private respondents seeking reliefs identical to that of the writ petition. Admittedly the Title Suit was filed by the petitioners prior to the writ petition.

Learned counsel for the petitioners submits that the injunction sought by the petitioners in the Title Suit was refused by the learned trial Court.

The petitioners have failed to disclose the Title Suit in the writ petition which amounts to deliberate suppression of material fact. It is trite law that a person is required to come before the Court with clean hands in order to claim any relief. Herein, since the petitioners have deliberately suppressed material fact by not disclosing filing of the Title Suit on the self same issue as in the present writ petition, they do not deserve any relief herein.

The writ petition is accordingly dismissed.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)