

28.01.2026
Item No.05
Ct. No.01
RP

MAT 1898 of 2025
+
IA NO.CAN 1 of 2025

Sankar Majumder & Anr.
VS.
The State of West Bengal & Ors.

Mr. Debasish Sur
Mr. Goutam Sardar
Mr. Dilip Kumar Dan
...For Appellants
Mr. Wasim Ahmed
Sk. Md. Masud
...For State
Mr. Surendra Kumar Sharma
Mr. T. Majumder
...For Respondent Nos.6 & 7

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsels.
2. Challenge is mounted in this intra-Court appeal to the order dated 2nd September, 2025 passed by the learned Single Bench in WPA 22634 of 2024.
3. Learned counsel for the appellants submits that the learned Single Judge has erred in interfering with a private dispute and the writ Court is not the proper remedy for putting somebody back in

possession by issuing direction to handover the materials, jewellery etc.

4. Learned counsel for the writ petitioners/respondents on the other hand submits that the present intra-Court appeal does not disclose that the learned Single Judge in WPA 22634 of 2024 passed certain interim orders including the order dated 16th January, 2025, which was called in question in MAT 185 of 2025. The coordinate Bench had declined interference and directed the writ petitioners to enter into the property and reside peacefully in the said property and file affidavit on the next date of hearing to the effect that they have entered into the property. This order of the coordinate Bench, in absence of challenge, has attained finality.

5. The impugned order dated 02.09.2025 shows that the learned Single Judge has merely recorded the finding in presence of the counsel for the parties that petitioners have already been put back in possession in the house from where they were driven out by the private

respondents. The appellants did not dispute such aspect during hearing. Instead he stated that upon instruction some time may be granted to his clients for removing articles, which are inside the room. Accordingly, Court passed the impugned order.

6. First and foremost requirement on behalf of the appellants was to disclose complete facts in the memo of appeal. In all fairness the appellants ought to have mentioned about filing of MAT 185 of 2025 wherein interlocutory order dated 16th January, 2025 passed in the same writ petition became the subject matter of challenge.
7. A litigant is under an obligation to approach the Court with clean hands, clean mind, clean objective and clean heart. A person who approaches the Court with a pair of dirty hands is not entitled to get any relief. The appellants have suppressed material fact about filing of MAT 185 of 2025 arising out of same writ petition wherein certain directions against them were passed and complied with. Because of suppression of fact the appellants do not

deserve any relief whatsoever. Accordingly, the appeal and the connected application are dismissed.

- 8.** Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL,CJ.]

[PARTHA SARATHI SEN, J.]