

February 4, 2026
(9) ARDR

WPA 25494 of 2025

Sk. Naosad Ali @ Sk. Naoser Ali
Vs.
The State of West Bengal & ors.

Adv. Dipayan Kundu,
Adv. Arif Ekbal Molla,

... for the petitioner.

Adv. Md. Ashraf Ali

...for the respondent no.5.

Adv. Tapas Adhikary,
Adv. Sankar Halder,

...for the State.

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

Learned counsel for the petitioner submits that the petitioner is the owner of a portion of the land in question and is being restrained from cultivating the same by the private respondent.

Learned counsel for the private respondent submits that the petitioner filed a Title Suit being T.S. no.76 of 2016 in respect of the said land against the private respondent and others on the same issue as in the present application and by an order passed on 9th August, 2023, the learned trial Court has dismissed the application filed by the petitioner therein under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure.

Such fact has been deliberately suppressed by the petitioner in the writ petition. It is trite law that a person seeking relief from a Court of law should approach the Court with clean hands. In the case in hand, since the

petitioner has deliberately suppressed the material fact and has not approached the Court with clean hands, he is not entitled to any relief herein.

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.)