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jdt. 25.02.2026
jb.

WPA 25655 of 2025
(Mantu Charan Mondal vs. State of West Bengal & Ors.)

Golam Mostafa
Mr. Tarasankar Samanta
Kazi Asif Iqbal
.... For the Petitioner

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the respondents despite service.

Mr. Sadhan Kumar Halder, learned counsel who is present in Court and usually appears for the State is requested to represent the State alongwith Sm. Samim Ullah in this matter. Their appointment be regularised by the appropriate authority. The petitioner is directed to serve copy of the application along with annexure thereto upon Mr. Halder in course of this day.

Learned counsel for the petitioner submits that the petitioner is a tenant in the premises in question for a long time. The predecessor in interest of the private respondents who was the landlord of the premises offered to sell out the premises and upon the petitioner agreeing to such proposal, a bainanama was executed by and between them wherein an amount of Rs. 1,00,000/- was paid by the petitioner. The petitioner complains that no deed of sale was executed. The original landlord expired in the meantime. His heirs have sold out the property to the 4th respondent who has asked the petitioner to vacate the premises.

It is pointed out by learned counsel for the private respondents that the petitioner filed a title suit against the

private respondent nos. 5 to 10 being title suit no. 673 of 2021 wherein the facts are identical to that of the present application. In the title suit the petitioner has referred to the agreement and alleged payment of money to the landlord and has sought a decree for declaration of his tenancy and a decree for permanent injunction restraining the private respondent nos. 5 to 10 from disturbing his peaceful possession in the property or transferring the same to any outsider.

The issue in the title suit is the same as in the present application. The petitioner has suppressed the said suit in the writ petition. The writ petition is silent with regard to filing or pendency of the title suit by the petitioner against the private respondents.

In view of the above, this Court is inclined to hold that the petitioner has deliberately suppressed material fact before this Court. It is trite law that a litigant should come before a Court of law with clean hands in order to seek relief. Herein, since the petitioner has deliberately suppressed the material fact in the writ petition, he is not entitled to any relief herein.

The writ petition is accordingly dismissed.

There shall 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.)