

20.01.2026
Court No. 05
Item No. 35
Sandip

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28358 of 2025

Dipendu Bera & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Rita Patra (VC)
.....for the petitioners
Mr. Sambuddha Dutta,
Mr. Ritesh Kr. Ganguly
....for State

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

None appears for the private respondents despite service.

Learned counsel for the petitioners submits that the private respondents are disturbing the peaceful possession of the petitioners in the land in question and have also assaulted them for which the petitioners lodged a complaint before the police authority, but to no effect. Pursuant to an application filed by the petitioners under Section 175 of the BNSS, FIR was registered and investigation is continuing. The petitioners also filed a Title Suit being T.S. 13 of 2025 wherein the learned Trial Court granted an order of status quo upon both the parties in respect of the nature, character, status, pattern of usage and possession of the property in question. The said order is being extended from time to time.

It appears from the material on record that the petitioners filed an application under Section 151 of the Code of Civil Procedure seeking police help for implementation of the order of ad interim injunction granted by the learned Trial Court. By an order passed on 27th January, 2025, the learned Trial Court turned down the prayer of the petitioners with an observation that appropriate remedy available to them was under Order 39 Rule 2A of the Code. The said order has not been assailed by the petitioners before the superior forum.

The writ petition was filed on 9th December, 2025, that is, after the order rejecting the prayer for police help was passed by the learned Trial Court. The petitioners have suppressed the said application and order before this Court in the present writ petition. The petitioners have only harped upon the order of ad interim injunction granted by the learned Trial Court and has deliberately failed to indicate the order dated 27th January, 2025. It is trite law that the petitioners should approach the Court with clean hands in order to seek relief. In the present case, the petitioners having deliberately suppressed material fact before this Court are not entitled to any relief herein.

Accordingly, the writ petition is dismissed.

There shall, however, be no order as to costs.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)