

Neutral Citation No. - 2025:AHC:122468

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1717 of 2025

Petitioner :- Manish Kumar

Respondent :- State of U.P. and 6 others

Counsel for Petitioner :- Prashant Shukla

Counsel for Respondent :- C.S.C., Krishna Kant Singh

Hon'ble Kshitij Shailendra, J.

1. Vakalatnama filed by Shri Anil Kumar Shukla on behalf of respondent No.6 is taken on record.
2. A serious objection as regards maintainability of the present petition has been raised by Shri Shukla and it is contended that, earlier, the same petitioner filed PIL No.1103 of 2025, copy whereof has been placed before this Court. It is submitted that respondent No.6 in the present PIL was arrayed as respondent No.8 in the earlier PIL and when Vakalatnama was filed on his behalf to oppose the earlier petition, learned counsel for the petitioner withdrew the same. Accordingly, the PIL was dismissed as withdrawn on 12.05.2025 and no liberty to file another petition on the same cause of action was granted.
3. Submission is that filing of the present PIL is a gross abuse and misuse of process of law as filing and dismissal of previous petition has been deliberately concealed.
4. Meeting the said submission, learned counsel for the petitioner submits that in the earlier petition, three private respondents were arrayed and since the private respondents raised objection regarding institution of proceedings against them, the previous petition was withdrawn.

5. Learned counsel for the petitioner further submits that encroachment made by respondent No.6 is of such nature which has to be removed and, therefore, the present writ petition has been filed.

6. This Court has considered the nature of previous petition as well as the property involved therein. Previous PIL was filed with respect to various gatas including Gata No.140 in respect whereof, the present PIL has been filed.

7. Once no liberty was granted to the petitioner while seeking withdrawal of the earlier petition, second petition filed for the same cause of action is not maintainable.

8. The Court also finds that not only petitioner and the concerned respondent No.6 were common but also learned counsel who has filed both the petitions is also common.

9. Under the said circumstances, non-disclosure of previously filed writ petition and its result amounts to misuse of process of law. Further, the petitioner has claimed himself to be a social worker without disclosing any social work allegedly undertaken by him.

10. The chain of events described above shows that somehow the petitioner wanted action against respondent No.6 to settle his personal scores with him.

11. Without commenting upon the *interse* dispute between the petitioner and the respondent No.6, if any, filing of the present petition is found to be gross misuse and abuse of the process of law.

12. In **Chandra Shashi Vs. Anil Kumar Verma, (1995) 1 SCC 21**, the Apex Court has observed that to enable the courts to ward off unjustified interference in their working, those who indulge in immoral acts like perjury, prevarication and motivated falsehoods have to be appropriately dealt with, without which it would not be possible for any court to administer justice in the true sense and to the satisfaction of those who approach it in the hope that truth would

ultimately prevail. People would have faith in courts when they would find that "truth alone triumphs" is an achievable aim there.

13. In **Buddhi Kota Subbarai (Dr.) Vs. K. Parasaran**, (1996) 5 SCC 530), the Supreme Court has held that no litigant has a right to unlimited drought on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived or frivolous petitions.

14. In **Arunima Baruah Vs. Union of India** (2007)6 SCC 120, Supreme Court held that it is trite law that to enable the Court to refuse to exercise its discretionary jurisdiction when material facts are suppressed. It was further held that a person invoking the discretionary jurisdiction of the court cannot be allowed to approach it with a pair of dirty hands.

15. In **Prestige Lights Limited Vs. State Bank of India**, (2007) 8 SCC 449, the Supreme Court observed that it is well settled that a prerogative remedy is not a matter of course. In exercising extraordinary power, a Writ Court will indeed bear in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the Court, the Court may dismiss the action without adjudicating the matter. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of Court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.

16. In **K.D Sharma Vs. Steel Authority of India Limited and others**, (2008) 12 SCC481, Supreme Court held that no litigant can play "hide and seek" with the courts or adopt "pick and choose" and one

should come with candid facts and clean breast. Suppression or concealment of material facts is forbidden to a litigant or even as a technique of advocacy. In such cases the Court is duty bound to discharge *rule nisi* and such applicant is required to be dealt with for contempt of Court for abusing the process of the court.

17. Supreme Court in **Dalip Singh Vs. State of Uttar Pradesh and others, (2010) 2 SCC 114** came down heavily on unscrupulous litigants and after noticing the progressive decline in the values of life, it observed as follows:

"For many centuries Indian society cherished two basic values of life i.e. "satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings."

.....

"In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final."

18. In **Amar Singh Vs. Union of India (2011) 7 SCC 69**, Supreme Court held that Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts. Courts held that such

litigants who come with "unclean hands", are not entitled to be heard on the merits of their case.

19. In **Kishore Samrite Vs. State of U.P. and others, 2012 (10) SCALE 330**, The Supreme Court held that the entire journey of a Judge is to discern the truth from the pleadings, documents and arguments of the parties, as truth is the basis of the Justice Delivery System.....With the passage of time, it has been realized that people used to feel proud to tell the truth in the Courts, irrespective of the consequences but that practice no longer proves true, in all cases. The Apex Court further observed that the Court does not sit simply as an umpire in a contest between two parties and declare at the end of the combat as to who has won and who has lost but it has a legal duty of its own, independent of parties, to take active role in the proceedings and reach at the truth, which is the foundation of administration of justice. Therefore, the truth should become the ideal to inspire the courts to pursue. This can be achieved by statutorily mandating the Courts to become active seekers of truth..... It is the bounden duty of the Court to ensure that dishonesty and any attempt to surpass the legal process must be effectively curbed and the Court must ensure that there is no wrongful, unauthorized or unjust gain to anyone as a result of abuse of the process of the Court. One way to curb this tendency is to impose realistic or punitive costs.

19. In **ABCD Vs. Union of India and others, (2020) 2 SCC 52**, Hon'ble Supreme Court in the matter where material facts had been concealed, while issuing notice to the petitioner therein and while exercising its suo-motu contempt power, observed that making a false statement on oath is an offence punishable under Section 181 of the IPC while furnishing false information with intent to cause public servant to use his lawful power to the injury of another person is punishable under Section 182 of the IPC. These offences by virtue of Section 195(1)(a)(i) of the Code can be taken cognizance of by any

court only upon a proper complaint in writing as stated in said Section.

21. In **Dhananjay Sharma Vs. State of Haryana and others (1995) 3 SCC 757**, it has been observed that filing of a false affidavit was the basis for initiation of action in contempt jurisdiction and the concerned persons were punished.

22. The soul derived from the judgments referred to above speaks that one of the two cherished basic values by Indian society for centuries is "satya" (truth) and the same has been put under the carpet. Truth constituted an integral part of the justice-delivery system in the pre- Independence era, however, the materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate in taking shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

23. Now it is well settled that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Suppression of material facts from the court of law, is actually playing fraud with the court. The maxim supressio veri, expression falsi, i.e. suppression of truth is equivalent to the expression of falsehood, gets attracted in such cases including the present one.

24. In view of the above discussion, this Court deems it appropriate to dismiss the writ petition with cost so that misuse may not be perpetuated.

25. Accordingly, the present PIL is **dismissed** with cost of **Rs.15,000/-** which shall be deposited by the petitioner before the Registrar General of this Court within a period of **two weeks from today**, failing which, the Registrar General of this Court shall send a communication to the Collector, Hathras.

26. The Collector, Hathras shall adopt all coercive measures to recover the cost and remit the same to the Registrar General of this Court.

27. On receipt of aforesaid amount, Registrar General of this Court shall credit the same to the account of Tara Sansthan, SBI Account No. 31840870750, IFSC Code SBIN0011406, after due verification of the particulars of the said account in consultation with the Head/Incharge of the said Sansthan. The amount, so remitted, shall be used exclusively for the welfare of the old-age people staying in Rabindra Nath Gaur Anand Old Age Home, located at 25/39, LIC Colony Tagore Town, Prayagraj (U.P.).

28. A copy of this order shall also be served upon the Head/Incharge of the said old age home for necessary compliance of this order.

29. The Head/Incharge of said Sansthan shall submit statement(s) of account before Registrar General of this Court disclosing the manner of utilization of cost till the amount is spent for the above welfare purpose, failing which, the Head/Incharge of the said old age home shall be answerable.

30. Let a copy of this order be placed before Registrar General of this Court.

Order Date :- 25.7.2025

Jyotsana

(Kshitij Shailendra, J.)