



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 11082 OF 2019

1. Raghunath Satwaji Kendre
Age 75 years, occ. Nil
r/o at post Dhonora (M), Tq. Loha
District Nanded.Petitioner

VERSUS

1. The State of Maharashtra
General Administration Department,
Mantralaya, Mumbai
Through its Secretary
2. The District Collector, Nanded
Tq. & District Nanded.Respondents

.....

Mr. A. V. Indrale Patil, Advocate for the Petitioner.
Mr. A. B. Girase, GP for the State.

**CORAM : ALOK ARADHE, C.J. &
RAVINDRA V. GHUGE, J.**

DATE : 19th MARCH, 2025.

ORAL JUDGMENT (PER : CHIEF JUSTICE)

1. Rule. Rule is made returnable forthwith. With the consent of the parties, the Petition is heard finally at the stage of admission.

2. In this Writ Petition, the Petitioner *inter alia* seeks to quash and set aside the order dated 21.06.2019 issued by the District Collector, Nanded and to sanction honorarium of Rs. 10,000/- per month to the Petitioner along with arrears.

3. The facts giving rise to the filing of this Petition in nutshell are that the Petitioner claims to have been arrested during the period of emergency in 1975-1977. The State of Maharashtra, on 03.07.2018, has issued a Government Resolution by which, honorarium of Rs. 10,000/- per month is payable to a citizen who has been in jail for a period of one month during the period from 25.06.1975 to 31.03.1977, whereas a sum of Rs. 5,000/- is payable to a citizen who has been in jail for a period of less than a month, in connection with his/her protest during the aforesaid period of emergency.

4. The Petitioner submitted an application on 30.10.2018 seeking honorarium of Rs. 10,000/- per month. In the aforesaid application at page No. 42, the Petitioner stated that he was in jail for a period from 28.08.1975 to 21.09.1975. The Petitioner has annexed the same affidavit along with his Petition at page No. 18, wherein the

date 28.08.1975 has been tampered and instead 21.08.1975 has been mentioned. The claim of the Petitioner for grant of honorarium at the rate of Rs. 10,000/- per month was rejected by the Collector by order dated 21.06.2019. Hence, this Petition.

5. When a query was put to the learned Counsel for the Petitioner with regard to the tampering of the affidavit annexed with the Petition, the learned counsel for the Petitioner submitted that the Petitioner is illiterate and somebody has tampered the affidavit.

6. On the other hand, the learned Government Pleader submitted that the Petitioner on his own showing, as indicated in the affidavit, was in jail for a period of less than a month i.e. from 28.08.1975 to 21.09.1975. Therefore, in any case, he is not entitled to honorarium at the rate of Rs. 10,000/- per month.

7. We have considered the submissions of both sides and have perused the record. A person who invokes the extra ordinary Writ jurisdiction of this Honourable Court must not only come with clean hands, but with a clean heart, clean mind and clean objective.

[See: RAMJAS FOUNDATION VS. UNION OF INDIA¹ and K.R.

¹ AIR 1993 SC 852

SHRINIVAS Vs. R. M. PREMCHAND & ORS.^{2]}. In KISHORE SAMRITE VS. STATE OF U.P AND ORS.³, the Supreme Court again reiterated the need that litigant must state correct facts and must come with clean hands and suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. The Supreme Court has recapitulated the principles governing the obligation of the litigant while approaching the Court for redressal of any grievance and consequences of abuse of process of Court which are extracted below :

“(i) Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts and came to the courts with “unclean hands”. Courts have held that such litigants are neither entitled to be heard on the merits of the case nor are entitled to any relief.

(ii) The people, who approach the court for relief on an ex parte statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigant has broken such faith, the discretion of the court cannot be exercised in favour of such a litigant.

(iii) The obligation to approach the court with clean hands is an absolute obligation and has repeatedly been reiterated by this Court.

² (1994) 6 SCC 620

³ (2013) 2 SCC 398

(iv) *Quests for personal gains have become so intense that those involved in litigation do not hesitate to take shelter of falselhood and misrepresent and suppress facts in the court proceedings. Materialism, opportunism and malicious intent have overshadowed the old ethos of litigative values for small gains.*

(v) *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.*

(vi) *The court must ensure that its process is not abused and in order to prevent abuse of process of court, it would be justified even in insisting on furnishing of security and in cases of serious abuse, the court would be duty-bound to impose heavy costs.*

(vii) *Whenever a public interest is invoked, the court must examine the petition carefully to ensure that there is genuine public interest involved. The stream of justice should not be allowed to be polluted by unscrupulous litigants.*

(viii) *The court, especially the Supreme Court, has to maintain the strictest vigilance over the abuse of process of Court and ordinarily meddlesome bystanders should not be granted “visa”. Many societal pollutants create new problems of unredressed grievances and the Court should endure to take cases where the justice of the lis well justifies it.*

(Refer : Dalip Singh v. State of U.P. [(2010) 2 SCC 114 : Amar Singh v. Union of India & Ors. (2011) 7 SCC 69 and State of Uttaranchal v. Balwant Singh Chauhal (2010) 3 SCC 402)”

8. In a recent decision viz. In **Kusha Duruka Vs. State of Odisha**⁴ it was held that it is now well settled that 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. It was further held that suppression of material facts from the Court of law is actually playing fraud with the Court.

9. In view of aforesaid enunciation of law, we may advert to the facts of the case in hand. The Petitioner has filed his affidavit in which, the date i.e. 28.08.1975 has been scored out and the same is mentioned by hand as 21.08.1975. The document which appears at page No. 18 of the Writ Petition is the affidavit sworn in by the Petitioner. No explanation has been put forth with regard to the tampering of the aforesaid document. In the affidavit filed on page No. 42, the date of detention of the Petitioner has been mentioned as 28.08.1975 till 21.09.1975. As per the affidavit filed by the Petitioner himself, the Petitioner has been in jail for less than one month. The Petitioner is guilty of approaching this Court with a tampered document for which no explanation has been offered. The conduct of the Petitioner by itself disentitles him to any relief in exercise of Extra Ordinary Jurisdiction of this Court which otherwise is also

⁴ (2024) 4 SCC 432

discretionary. We are, therefore, not inclined to entertain this Petition. The same is dismissed.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)

dyb