

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1433 OF 2025
WITH
INTERIM APPLICATION NO. 12275 OF 2025**

Rajkumar Omprakash Sharma ... Petitioner.
V/s.

State of Maharashtra & Ors. ... Respondents.

Mr. Apurva Gupte with Mr. Tarun Sharma, Mr. Hansraj Solanki and Mr. Mahesh Patil i/b. Fox Legal Advocate for the Petitioner. (VP not filed)

Mrs. Nisha Mehra, AGP for the Respondent -State.

Mr. Mayuresh Lagu with Mr. Sagar Patil and Mr. Shashank Dubey for Respondent No.2- Corporation.

Mr. Prashant Chavan, Senior Advocate with Ms. Kinjal Jain, Ms. Bhakti Gandhi and Ms. Poonam Sheth i/b. Ms. Kinjal Jain for Respondent Nos. 4 and 5.

Mr. Rajesh Khobragade, earlier Advocate for the Petitioner.

Petitioner is present through video conferencing. Advocate for Petitioner.

Constituted Attorney of the Petitioner present in Court.

CORAM : RAVINDRA V. GHUGE AND

ASHWIN D. BHOBE, JJ.

DATE : 16th DECEMBER, 2025

P.C. :

1. Yesterday, we had passed the following order :

1. This matter was heard for some time, when it was called out in the first session.

2. The learned Senior Advocate representing Respondent Nos. 4 and 5, as well as the learned Advocate for the Corporation, pointed out that the Petitioner had preferred a Writ Petition bearing No. 12915 of 2024, through the learned Advocate Mr. Ramawadh Pandey. The Petitioner who filed the said Petition and affirmed the verification, is Mr. Rajkumar Omprakash Sharma, who is participating in this hearing through the video conferencing mode. The said Writ Petition was heard by this Court [Coram: A. S. Gadkari and Kamal Khata, JJ.], and an order was passed on 9th December, 2024, which reads as under:

“1) After hearing learned Advocate appearing for Petitioner, when this Court was not inclined to grant any relief as prayed for, learned Advocate on instructions seeks leave to withdraw Petition unconditionally.

2) Leave granted.

3) Disposed off as withdrawn.”

3. The learned Advocates who appeared for the Petitioner in the said Petition were Advocate Mr. Rajesh P. Khobragade, Advocate Mr. Ravin Pandey, and Advocate Mr. Vinit V. Dhotre.

4. The learned Advocate for the Corporation and the learned Senior Advocate for Respondent Nos. 4 and 5, drew our attention to the prayers put forth by the Petitioner in the

earlier Petition and compared the same with the prayers set out in the present Petition.

5. *We notice an apparent mischief. The serial order of the prayers has been interchanged in this Petition, to make us believe that this Petition was based on different facts with different prayers. When confronted, the learned Advocates submitted, on instructions, that the Petitioner, who is watching the proceedings via the video conferencing mode and is audible and visible on the screen, has instructed the Constituted Attorney, Mr. Madhukar Dattaram Haryan, to withdraw this Petition.*

6. *What is shocking to us is that Advocate Rajesh Khobragade, who had canvassed the earlier Petition on 9th December, 2024 on behalf of Advocate Ramawadh Pandey, has filed the present Petition under his own signature. Moreover, Advocate Rajesh Khobragade has mentioned in paragraph 5 of the Petition before us, as under:*

“The petitioner states that as mentioned above, he has not filed any other similar petition, application before this Hon’ble High Court or before the Apex Court of India”.

7. *With great difficulty, and after flashing the name of Advocate Rajesh Khobragade on the display board and conveying messages to him, Advocate Khobragade appeared before us at 5:15 p.m. We apprised him of the seriousness of the matter, since he had argued the earlier petition, was aware of the prayers, and had himself drafted the present petition, which is clearly an abuse of the process of law. He has also made a statement in paragraph 5, which is reproduced herein above, that ‘No petition in the same cause has been filed before any Bench of this Court or before the Hon’ble Supreme Court’.*

8. *We thought that Advocate Khobragade should be given an opportunity to tender an unconditional apology so that we could close this matter. We made it convenient for him by permitting him to write an apology on a plain sheet of paper in his own handwriting. At 5:45 p.m., he tendered a*

written unconditional apology. We find that his conduct is not overboard. Considering the last paragraph of his apology, we are reproducing the entire apology, verbatim, hereunder:

“UNCONDITIONAL APOLOGY

“I, Rajesh P. Khobragade, Advocate having Enrolled No. MAH/879/2007, I have filed Petition No.1433 of 2025. In the above writ petition, I have given No objection somewhere in month of June, 2025.

I say that the earlier petition No.1291 of 2024, which was filed by Adv. Ram Pandey & subsequently withdrawn on 09/12/2025.

I say that “I unconditionally tender appology, for not disclosing the petition No.1291 of 2024 is been withdrawn unconditionally”. However, the subsequently petition was filed.

I say that, the mistake was bonafied, & under wrong impression.

I say that presently I am nowhere concerned with petition as I have given No objection & another advocate has filed Vakalatnama on behalf of Petitioner.

I tender unconditionally appology.

Place : Mumbai

Date : 15/12/2025

Sd/-

*Rajesh P. Khobragade
Advocate High Court
MAH/879/2007”*

9. We are taking the original apology on record, marked as ‘X’ for identification. What we find objectionable is that, instead of admitting what he has done which is unconscionable and an abuse of the process of law, he has inappropriately written the last paragraph.

10. In view of the above, Advocate Khobragade submits that he will write a fresh conditional apology and come back tomorrow, keeping in view that he has himself drafted the present petition.

11. We are giving him one more opportunity.

12. List this Petition on 16th December 2025, on the urgent supplementary board, for permitting him to file a fresh unconditional apology.”

2. Today, the learned Advocate Shri Rajesh Khobragade has tendered an unconditional apology dated 16.12.2025. The same is taken on record and marked as ‘Y’ for identification.

Having considered the apology ‘X’ and ‘Y’ tendered by the learned Advocate Shri Khobragade, in the backdrop of the above reproduced order, we accept his apology.

3. The earlier Petition was filed by Mr. Rajkumar Omprakash Sharma. He has narrated his profession as Business. He is available online through the V.C. Mode. When we directly called upon him to disclose his Educational Qualifications, he submits that he is 10th pass. The Constituted Attorney is also present in the court. His name is Mr. Madhukar Dattaram Haryan. His Advocate asked him his Educational Qualification and he also says that he is 10th pass. He states that he is in construction business. He has tendered an apology affidavit dated 15th December, 2025. The same is taken on record and marked as ‘Z’ for identification.

4. Having considered the record and proceedings before us and having taken into account the submissions of the learned Advocates for the respective sides as well as the Petitioner and his Constituted Attorney, we find that the Petitioner as well as the Constituted Attorney are trying, not only to mislead the Court, but are banking on lies, in the Court. The order passed by the Coordinate Bench (Coram : A.S. Gadkari and Kamal Khata, JJ) dated 9.12.2024 clearly indicates as under :

“1) After hearing learned Advocate appearing for Petitioner, when this Court was not inclined to grant any relief as prayed for, learned Advocate on instructions seeks leave to withdraw Petition unconditionally.

2) Leave granted.

3) Disposed off as withdrawn.”

5. It is, therefore, apparent that the Court was not inclined to grant relief and the Petitioner sought leave to withdraw the Petition unconditionally. Per contra, the Constituted Attorney has stated in paragraph Nos. 2, 3, 4 and 5 of the Apology Affidavit Exh. ‘Z’ as under :

“2. I state that, I respectfully submit and sincerely apologise to this Hon'ble Court for the inadvertent procedural lapse that has occurred in connection with the filing and withdrawal of an earlier writ petition concerning

the same subject matter. The said lapse was neither deliberate nor intentional and occurred due to miscommunication and lack of proper understanding on my part regarding legal procedures.

3. *I state that the earlier writ petition was filed on the instructions of my then Advocate, Mr. Rajesh P. Khobragade,*

4. *I further state that I was subsequently instructed by my said Advocate that the earlier writ petition was required to be withdrawn on the ground that certain necessary parties were required to be added, and on such instructions, the said writ petition was withdrawn. However, I humbly submit that I was not made aware of the detailed legal reasons or consequences of such withdrawal.*

5. *I state that I was also not aware that the withdrawal of the earlier writ petition and the subsequent refiling of the present writ petition could cause any procedural confusion or inconvenience to this Hon'ble Court. The same occurred solely due to my reliance on professional advice and my lack of legal knowledge.”*

6. It is, thus, clear that the Constituted Attorney in consultation with the Petitioner, is attempting to distort the fact situation and is also trying to blame the Advocate. In paragraph Nos. 6 to 9 of his affidavit 'Z', it is narrated as under :-

“6. I respectfully submit that I had received varying and inconsistent instructions from my Advocate, due to which I remained unaware of the exact reasons for the withdrawal of the earlier writ petition and the subsequent filing of the present writ petition.

7. I most humbly submit that there was absolutely no intention to mislead this Hon'ble Court, suppress any material facts, or abuse the process of law. The entire

sequence of events occurred bona fide and without any malafide intention.

8. In the above circumstances, I tender my unconditional and unreserved apology to this Hon'ble Court for any inconvenience caused and assure this Hon'ble Court that such lapses shall not be repeated in future. I further undertake to exercise due diligence and caution in all future legal proceedings.

9. I respectfully pray that this Hon'ble Court may be pleased to accept this Affidavit of Apology and graciously condone the inadvertent lapse in the interest of justice.”

7. In the light of the above, we do not find this to be a fit case to show leniency or sympathy towards the Petitioner as well as the Constituted Attorney. Had the learned Advocates for the Respondent Nos. 3 to 5 not being present in the court and if they had not filed their affidavit in reply, we would have been misled in appreciating the prayers put forth. It is thanks to these two learned Advocates that the mischief played by the Petitioner as well as the Constituted Attorney has been exposed. Exh. 'Z' apology affidavit is an indication of brazen justification of the mischief played by the Petitioner/CA.

8. In view of the above, this **Writ Petition is dismissed** with imposition of costs of Rs. 50,000/- each, on Mr. Rajkumar Omprakash Sharma and Mr. Madhukar Dattaram Haryan. This cost

amount shall be deposited in this Court on or before 15th January 2026, failing which we would direct the concerned District Collector to initiate proceedings under the Maharashtra Land Revenue Code (MLR Code) for recovery of this cost amount as arrears of land revenue.

9. List this disposed off Petition on 19th January, 2026 for recording compliance.

10. Pending Interim Application would not survive and stands disposed off.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)