IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2422 OF 2024

Somnath Govindram Dua …Petitioner
Versus
Additional District Collector, Malegaon and ors. …Respondents

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Mr. Ajinkya Jaibhave with Ms. Nidhi Karkhanis, for the Petitioner.
Ms. Kavita N. Solunke, Addl. GP with Ms. R. M. Shinde, AGP, for the State.

CORAM: SUMAN SHYAM &
GAUTAM A. ANKHAD, JJ.

DATED: 14th OCTOBER, 2026.

PC:-

1. It appears from the statements made in the Writ Petition that the Petitioner herein had earlier approached the Respondents with a request for clearing the illegal encroachment on Government land bearing Survey No.709 of Village Mauje Thengoda, Taluka Baglan, District of Nashik. However, since no action was taken on such request of the Petitioner despite the order dated 18th January, 2019 passed by the Additional Collector for removal of encroachment, the Petitioner has approached this Court by filing this Writ Petition.

PRIYA RAJESH SOPARKAR
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2. By taking note of the projections made in the Writ Petition, this Court had passed order dated 1st December, 2025, requiring the learned AGP to obtain instructions. Accordingly, instructions have been obtained and the Respondent Nos.1, 3, 4 and 5 have also filed joint reply, *inter-alia* taking a stand that the encroachment would be removed within a period of six months by following the procedure, as prescribed by the order passed by the Respondent No.1. In the reply, it has also been mentioned that the Writ Petitioner had filed Civil Suit being Special Civil Suit No.16 of 2018 before the Court of Civil Judge Senior Division (CJSD), Malegaon pertaining to the same plot of land whereby, he had prayed for an order for allotment of land in his favour by removing encroachment. However, the said fact has been completely suppressed in the Writ Petition.

3. Mr. Ajinkya Jaibhave, learned counsel appearing for the Petitioner submits that since the Civil Suit had been dismissed, hence, the said fact has not been mentioned in the Writ Petition. We are, however, unable to accept such explanation. If the Petitioner had already instituted the Civil Suit pertaining to the same plot of land then it is apparent that he has a personal interest

on the land. Such vital fact ought to have been disclosed by him in the Writ Petition, particularly when the Petitioner is seeking Writ of Mandamus. However, he has failed to do so without any just explanation. Therefore, the present Petition, in our opinion, is liable to be dismissed on account of suppression of material facts.

4. Under such circumstances, we are not inclined to issue any direction in the matter. However, the Respondents will be at liberty to take appropriate action in the matter, in accordance with law, if so advised.

5. With the above observation, the Writ Petition stands closed.

(GAUTAM A. ANKHAD, J.) (SUMAN SHYAM, J.)