IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6624 OF 2026

Jagdish Ramnaresh Yadav]
Age: 38 years, Occu: agri.]
At Kawlipada, Post Khaliwada,]
Village Sakwar, Tal. Vasai,]
Dist. Palghar 401303.] … Petitioner

V/s.

1. The State of Maharashtra]
Through Government Pleader,]
Bombay High Court, Mumbai.]

2. The Circle officer, Mandvi,]
Tal. Vasai, Dist. Palghar.] … Respondents

Mr. Sandeep Patade for the Petitioner.

Mr. V. G. Badgujar, AGP, for the Respondent-State.

Mr. Nitin R. Surve, Talathi, Khonivde, Tal. Vasai, Dist. Palghar, present.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
RESERVED ON : 18th June, 2026.
PRONOUNCED ON : 6th July, 2026.

Judgment (Per : Kamal Khata, J) :-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner seeks quashing and setting aside of the Notice dated 28th April, 2026 issued by Respondent No.2 (‘the impugned Notice’).

2) Mr. Sandeep Patade, learned Advocate appearing for the

SUMEDH NAMDEO SONAWANE Digitally signed by SUMEDH NAMDEO SONAWANE Date: 2026.07.07 11:58:42 +0530

Petitioner, submits that the Petitioner had constructed the subject house prior to the year 1994 as his residence, on a portion of the land he was cultivating. He relies upon the Certificate dated 16th April, 2018 issued by the Sarpanch, Grampanchayat Sakwar certifying that, the said house bearing No.413/A falls within the jurisdiction of the Sakwar Grampanchayat and that the Petitioner is the resident thereof.

3) Upon hearing the Petitioner at length, we questioned him as to whether he had obtained permission for the construction of the house from the concerned authority. He submitted, on instructions, that apart from the assessment receipt of 2014 and electricity bill of 12th June, 2026 both of which are on record, he presently held no documents. We accordingly inquired whether he could obtain photographs of the documents the Petitioner held in support of his case. He requested that the matter be kept back to enable him to take instructions. The request was granted, and the matter was thereafter called out in the second session.

4) The learned Advocate submitted that, the Petitioner is unable to produce any document to substantiate his claim in the Petition.

5) In fact, the photograph tendered by the AGP clearly reveals that the construction stated to be a residential house, is in fact a hotel run by the Petitioner in the name of Hotel Haryana Punjab. The said photograph is not disputed by the Petitioner's Advocate. Thus, *ex facie,* the Petitioner has made a false statement on oath in paragraph 2 of the Petition

and has approached this court with unclean hands.

6) In our view, the Petitioner's case is premised on falsehood. That itself disentitles him to any relief from this Court and renders the Petition liable to be thrown out summarily. We find support from the decision of the Hon'ble Supreme Court in the case of *S. P. Chengalvaraya Naidu vs. Jagannath* reported in *1994 1 SCC 1* which lays down that "a litigant who approaches the Court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds the vital documents in order to gain advantage on the other side then he would be guilty of playing a fraud on the Court as well as on the opposite party."

7) In view of the above, the Petitioner has clearly attempted to play a fraud on the Court. The record indicates that he obtained an order of stay from the Vacation Court on 15th May, 2026 on the basis of false and unsubstantiated pleadings. The Petitioner has not only suppressed material facts but also attempted to state them in a distorted manner so as to mislead the Court. It is well settled, as held by the Hon'ble Supreme Court in *Dalip Singh v. State of U.P.*, reported in (2010) 2 SCC 114, 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.

8) In such circumstances, in order to prevent the abuse of its process, the Court would be justified in declining to entertain the Petitioner

and in rejecting the Petition solely on this ground. In *Prestige Lights Ltd. v. State Bank of India*, reported in (2007) 8 SCC 449, the Hon'ble Supreme Court held that a High Court exercising jurisdiction under Article 226 is not merely a Court of law but also a Court of equity and that where there is suppression of material facts, or where twisted facts are placed before it, the Court would be fully justified in refusing to entertain the petition without going into its merits. This principle was reaffirmed in *K. D. Sharma v. SAIL*, reported in (2008) 12 SCC 481.

9) Assuming that the Petitioner owns the land on which the structure is constructed, it would be his bounden duty to obtain appropriate permissions from the local Authorities before constructing anything thereon. If such permission is not obtained, the structure standing on the Petitioner's land would be wholly illegal and would be liable to be demolished. The Petitioner, being a citizen of India, owes a duty to the State. To invoke any right and seek relief under Article 226 of the Constitution of India, he must demonstrate that he has discharged his duties. The Petitioner, having failed to conform to the Rules and Regulations of the land, is disentitled to any relief under Article 226 of the Constitution of India.

10) In any event, the documents produced by the Petitioner do not substantiate his claim that the structure was constructed, with due permissions, in or prior to 1994. In our view, a certificate issued by the

Sarpanch, Grampanchayat Sakwar certifying that, the said house bearing No.413/A is within the jurisdiction of the Sakwar Grampanchayat and that the Petitioner is a resident, is wholly insufficient.

11) In view of the aforesaid, the Petition is dismissed with no order as to costs.

(KAMAL KHATA, J.) (A.S. GADKARI, J.)