



2026:AHC:55445

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 6773 of 2026

The Committee of Management and another

.....Petitioner(s)

Versus

State of U.P. and another

.....Respondent(s)

Counsel for Petitioner(s)	:	Om Prakash Ojha, Rabindra Nath Ojha
Counsel for Respondent(s)	:	C.S.C., Yogesh Kumar Saxena

Court No. - 37

HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri O.P. Ojha, learned counsel for the petitioners, learned Standing Counsel for respondents No.1 and 2 and Shri Yogesh Kumar Saxena, learned counsel in support of Civil Misc. Impleadment Application No.2 of 2026 and Civil Misc. Dismissal Application No.3 of 2026. The said applications are already on record.
2. The said applications have been filed by one Anand Kumar Singh as Manager of the Committee of Management of the Society bringing on record proceedings in the previous rounds of litigation and orders passed therein.
3. For the reasons stated in the affidavit supporting applications and enclosures thereto, the impleadment application is **allowed**.
4. Mr. Anand Kumar Singh is deemed to be impleaded as respondent No.3 in the writ petition.
5. The present writ petition has been filed on behalf of Committee of Management of the Samiti through one Shioraj Singh as Manager with a prayer to issue a direction to the respondents to decide the representation of the petitioners for registering the list of office bearers of Committee of Management of the Society for the year 2025-26. Second prayer is for issuing a direction to decide representation dated 01.12.2025 wherein the only prayer was made to renew certificate of registration of Society.
6. Learned counsel for the petitioners has himself drawn attention of the Court towards 'Annexure No.8' to the writ petition whereby the Assistant Registrar has already issued a renewal certificate dated 15.12.2025.

7. Confronted with the said situation, learned counsel for the petitioners has not pressed the second prayer.

8. The only relief, therefore, remains to be considered is the prayer as regards registration of list of office bearers.

9. Learned counsel for the petitioners submits that, time and again, the petitioners' Committee of Management has been elected and there being no dispute of Committee of Management, the Assistant Registrar should be directed to register the list of the office bearers for the year 2025-26.

10. Shri Y.K. Saxena, learned counsel appearing for newly impleaded party has drawn attention of the Court towards paragraphs 18 and 21 of the writ petition which read as under:-

"18. That there is no dispute regarding Committee of Management of Society and the Society is not time barred.

21. That there is no rival claim of the Committee of Management pending before the Deputy Registrar, Firms, Societies and Chits Kanpur, Region Kanpur but the respondents has not been registered the list of the office bearer of the Committee of Management for the year 2024-2025."

11. It is submitted that the petitioners have come up with a case that there are no rival claims or disputes qua the Committee of Management, although various writ petitions were filed in between the parties being Writ C Nos.3085 of 2020, 34269 of 2021, 7794 of 2021 and Writ C No.31109 of 2022. It is further submitted that a counter affidavit has been filed by the present petitioners being respondents in Writ C No.31109 of 2022, copy whereof has also been annexed along with impleadment application.

12. Submission is that filing of the writ petition is based upon gross concealment of material facts and proceedings so as to obtain favourable order from this Court.

13. Confronted with the said situation, learned counsel for the petitioners submits that two of the writ petitions being Writ C No.3085 of 2020 and 34269 of 2021 have already been dismissed as infructuous. The said orders have been placed before this Court. However, there is no dispute regarding filing of various writ petitions as well as pendency of at least one petition wherein interim order is operative and the petitioners being respondents therein are contesting the same by filing counter affidavit.

14. In view of the aforesaid proceedings, assertions made in paragraphs 18 and 21 of the writ petition become patently false. Further, concealment of the aforesaid proceedings and their result, is sufficient not only to decline grant of any relief but also to observe that petitioners have made an attempt to mislead the Court by making false statements on affidavit.

15. 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.

16. 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.

17. 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.

18. 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.

19. In **K.D Sharma Vs. Steel Authority of India Limited and others, (2008) 12 SCC 481**, 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.

20. 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.”

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. In view of the above, this writ petition, being gross and patent abuse of the process of law, is liable to be dismissed with exemplary cost.

27. The writ petition is, accordingly, **dismissed** by imposing cost of **Rs.50,000/-** upon the petitioners.

28. The cost shall be deposited by the petitioners before the Registrar General of this Court within a period of **one month from today**, failing which, the **Registrar (Compliance)**, High Court, Allahabad shall ensure that this order is sent to the Collector, Kanpur Dehat to initiate and conclude the proceedings of recovery of the amount of cost as arrears of land revenue.

(Kshitij Shailendra,J.)

March 18, 2026
Jyotsana