THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.488 of 2024
Reserved on: 05.03.2026
Decided on : 18.03.2026

Hari Ram (deceased) through LRs ...Appellants

Versus

State of HP and others ...Respondents.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the appellants	:	Mr. Ajay Sharma, Sr. Advocate, with Mr. Atharv Sharma, Advocate.
For the respondent(s)	:	Ms. Priyanka Chauhan, Deputy Advocate General, for respondent No.1-State.
	:	Mr. Mukul Sood and Mr. Het Ram, Advocates, for respondents No. 2 to 4.
	:	Mr. Suneel Mohan Goel, Sr. Advocate, with Mr. Paras Dhaulta, Advocate, for respondents No. 5 to 7.

Bipin Chander Negi, Judge

During the pendency of the LPA now preferred, Hari Ram, the original writ petitioner had died. Vide order dated 18.8.2025 the legal heirs of the erstwhile writ petitioner had been ordered to be brought on record.

2. The present appeal has been preferred against the impugned judgment dated 16.10.2024 passed by the learned Single

[1] *Whether the reporters of the local papers may be allowed to see the Judgment?*

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Judge, whereby the learned Single Judge has dismissed the writ petition filed by the predecessor in interest of the present appellant. The claim in the writ petition filed by the father of the appellant of being the sole Pujari in the Shri Shiv Mandir Nayas, Mahakal Tehsil Baijnath, District Kangra, H.P, to the exclusion of his brothers i.e. respondents No. 5 to 7, based on custom and on a Will stated to have been executed by the late father of the predecessor in interest of the present appellant and respondents No. 5 to 7, has been held by the learned Single Judge to be not determinable in exercise of the writ jurisdiction under Article 226 of the Constitution of India.

3. Besides the aforesaid, no fault was found by the learned Single Judge in the minutes of the meeting dated 28.3.2024 (Annexure P-8 in CWP No. 6424 of 2024), whereby the Committee constituted in pursuance of the judgment dated 15.3.2024 passed by the Court in CWP No. 381 of 2016, recommended to continue with the system of month-wise rotation of Puja by all the stakeholders as per the orders issued by the Assistant Commissioner (Temple-cum-SDO Civil, Baijnath) dated 2.11.2013 and the consequent order passed thereupon on 26.6.2024 whereby the aforesaid recommendations so made were accepted.

4. At the very outset, learned counsel appearing on behalf of the appellant/writ petitioner sought liberty to withdraw the writ petition bearing CWP No. 6424 of 2024, wherein the impugned

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judgment dated 16.10.2024 assailed in the present appeal had been passed, with liberty to lay a claim of the predecessor in interest of the present appellant being a Mohtamin in the temple concerned by filing a fresh petition. Liberty now being sought was tried to be justified by drawing the attention of court to the nature of office of a Mohtamin and the provisions of the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984, (for the purpose of brevity hereinafter referred to as "the Act"). The same has been vehemently opposed by the respondents in view of the factual matrix of the case at hand by arguing that in all previous litigations filed by the writ petitioner such a claim had never been raised, the claim now being sought to be raised was barred by limitation and the claim raised was only triable by a civil court as had been rightly held in the impugned judgment dated 16.10.2024.

5. Previously, deceased Hari Ram (original writ petitioner) had earlier preferred a writ petition bearing No. 381 of 2016. In the same, challenge had been laid to order dated 2.11.2013 passed by the Assistant Commissioner-cum-Sub Divisional Officer (Civil), Shri Shiv Mandir Nayas, Mahakal Tehsil Baijnath, District Kangra, H.P, whereby the work of Pujaris was redistributed on a month-wise rotation basis inter se the writ petitioner and respondents No. 5 to 7. Besides the aforesaid, order dated 20.10.2015 passed by the Commissioner Temple-cum-Deputy Commissioner, District Kangra at

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Dharamshala, whereby the representation made by the writ petitioner against the order dated 2.11.2013 was rejected, was also assailed in the writ petition. Other than the aforesaid, a claim of being the sole hereditary Pujari in the temple in question was also raised and claimed in the said writ petition. Relief against respondents No. 5 to 7 not being hereditary co-pujaris in the temple was also claimed. No relief, especially of being Mohtamin of the temple in question, was ever raised in the writ petition so preferred in the year 2016. In the affidavit appended along with the said petition (CWP No. 381 of 2016), the writ petitioner claimed himself to be a Pujari.

6. During the pendency of the aforesaid petition, the Additional Commissioner, vide communication dated 1.1.2024, had expressed a desire to settle the matter amicably. In view of the aforesaid, CWP No. 381 of 2016 was disposed of vide judgment dated 15.3.2024, whereby directions were issued to the Additional Commissioner to convene a meeting of all the stakeholders at the earliest to decide the issue with respect to distribution of duty, offering, as well as induction of respondents No. 5 to 7 as co-Pujaris.

7. In pursuance of the aforesaid directions issued, a meeting was convened on 28.3.2024 in the office of the Assistant Commissioner (Temple-cum-SDM, Baijnath). At the said meeting, the objections of the writ petitioner (Hari Ram) were heard and considered. On behalf of the writ petitioner, his son, one Sh. Sushil

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Kumar, had been heard by the Committee with respect to the writ petitioner's grievances.

8. From the record available, it came to light that a committee had been formed by the Government to manage the affairs of the temple from 1987 onwards. As per the record, the writ petitioner, respondents No. 5, 6 and their mother, one Smt. Mansa Devi, had been performing Puja. The Pujari share was being shared amongst the aforesaid four. After the demise of the mother, the pattern of distribution was changed.

9. Subsequent thereto the temple having been taken over by the Government of Himachal Pradesh vide Notification dated 9th March, 2006 under the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984,(for the purpose of brevity hereinafter referred to as "the Act") a temple trust was formed for the smooth functioning of the temple and thereafter the Pujaris were being given an equal share. In the year 2012, vide an order passed by the Deputy Commissioner, the share of the Pujaris had been reduced from 40% to 30%. As per Section 21 of the Act (under which the temple had been acquired) all the Pujaris were put on the rolls of the temple and in the share of the offering to the Pujaris they were given an equal share. The aforesaid system continued till the year 2013.

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10. In the aforesaid facts and attending circumstances it is evident that even at the meeting convened on 28.3.2024 the plea of the writ petitioner being a Mohtamin of the temple in question was conspicuous by absence. The terms of reference of the meeting convened on 28.3.2024 were specified vide judgment dated 15.3.2024 passed in CWP No. 381 of 2016 stated supra in paragraph six.

11. As has already been stated (supra), on 2.11.2013, the duty roster of the hereditary Pujaris i.e. writ petitioner, respondents No. 5 to 7 had been fixed which was the subject matter of challenge in CWP No. 381 of 2016. The father of the writ petitioner and respondents No. 5 to 7 had been recorded as vahetman Mohtamin. Subsequent to his death, the writ petitioner, being the elder son, was appointed as Mohatmim of the temple by the Deputy Commissioner vide letter dated 11.10.1983. Accordingly, mutation was also attested in the revenue record bearing No. 123 dated 23.10.1991 in favour of the writ petitioner.

12. On the taking over of the temple in the case at hand vide Notification dated 9th March, 2006, the aforesaid revenue record pertaining to Mohatmim and Pujari was deleted from the revenue records and replaced with "Shri Mahakal Mandir Nayas". In view of the aforesaid, in the meeting convened on 28.3.2024 in pursuance of the judgment dated 15.3.2024passed by the Court in CWP No. 381 of

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2016, the Committee recommended to continue with the present system of month-wise rotation of Puja by all the stakeholders as per the orders issued by the Assistant Commissioner (Temple-cum-SDO Civil, Baijnath) dated 2.11.2013. The said recommendations so made were accepted vide order dated 26.6.2024 (Annexure P-9 in CWP No. 6424 of 2024). Thereby, the hereditary claim of the writ petitioner along with his brothers i.e. respondents No. 5 to 7 as being Pujaris in terms of Section 21 of the Act has been recognized.

13. Feeling aggrieved of the minutes of the meeting dated 28.3.2024 (Annexure P-8 in CWP No. 6424 of 2024) and the subsequent order accepting the same dated 26.6.2024 (Annexure P-9 in CWP No. 6424 of 2024), a challenge was made to the same by the writ petitioner. Other than the aforesaid, the writ petitioner claimed himself to be the sole Pujari and sought entitlement to the entire 40% of the collection being distributed amongst the writ petitioner and respondents No. 5 to 7. Even in the said writ petition, from the affidavit it is evident that the writ petitioner claimed himself to be the Pujari of the temple and the claim as such was only limited to that of being a Pujari.

14. In the aforesaid backdrop, the present petitioner can now not be permitted to raise a new plea of being the Mohtamin of the temple which was never claimed by him in any of the litigations filed previously. Under the provisions of the Code of Civil Procedure, 1908,

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if the plaintiff omits, except with the leave of the court, to sue for any particular relief which he is entitled to get, he will not afterwards be allowed to sue in respect of the portion so omitted or relinquished. The general principles made in the Civil Procedure Code apply even to writ petitions. Especially when the High Court is not exercising *suo motu* powers under Article 226 of the Constitution where for example the court would be dealing with a petition from a person languishing in jail or from a bonded labourer or a party in person or public-spirited citizen seeking to bring a gross injustice to the notice of the Court. Besides power to mould reliefs does not mean that the drafting of a writ petition should be a mindless act and the entire burden to seek proper relief should be thrown upon the court. In this regard it would be appropriate to refer to the apex court judgement in ***Bharat Amratlal Kothari v. Dosukhan Samadkhan Sindhi, (2010) 1 SCC 234*** relevant extract whereof reads as under;

> **29.** The approach of the High Court in granting relief not prayed for cannot be approved by this Court. Every petition under Article 226 of the Constitution must contain a relief clause. Whenever the petitioner is entitled to or is claiming more than one relief, he must pray for all the reliefs. Under the provisions of the Code of Civil Procedure, 1908, if the plaintiff omits, except with the leave of the court, to sue for any particular relief which he is entitled to get, he will not afterwards be allowed to sue in respect of the portion so omitted or relinquished.
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> **30.** Though the provisions of the Code are not made applicable to the proceedings under Article 226 of the Constitution, the general principles made in the Civil Procedure Code will apply even to writ petitions. It is, therefore, incumbent on the petitioner to claim all reliefs he seeks from the court. Normally, the court will grant only those reliefs specifically prayed for by the petitioner. Though the court has very wide discretion in granting relief, the

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court, however, cannot, ignoring and keeping aside the norms and principles governing grant of relief, grant a relief not even prayed for by the petitioner.

31. In *Krishna Priya Ganguly* v. *University of Lucknow*1, overlooking the rule relating to grant of admission to postgraduate course in Medical College, the High Court in the exercise of powers under Article 226 of the Constitution directed the Medical Council to grant provisional admission to the petitioner. This Court set aside the order passed by the High Court observing that: (SCC p. 319, para 26)

"*26*. … in his own petition in the High Court, the respondent had merely prayed for a writ directing the State or the college to consider his case for admission yet the High Court went a step further and straightaway issued a writ of mandamus directing the college to admit him to the MS course and thus granted a relief to the respondent which he himself never prayed for and could not have prayed for."

32. Again, in *Om Prakash* v. *Ram Kumar*, this Court observed: (SCC p. 445, para 4)

"*4*. … A party cannot be granted a relief which is not claimed, if the circumstances of the case are such that the granting of such relief would result in serious prejudice to the interested party and deprive him of the valuable rights under the statute."

33. Though a High Court has power to mould reliefs to meet the requirements of each case, that does not mean that the draftsman of a writ petition should not apply his mind to the proper relief which should be asked for and throw the entire burden of it upon the court.

34. It is relevant to notice that the High Court was not exercising powers under Article 226 of the Constitution *suo motu* but was examining the validity of the order passed by the Additional Chief Judicial Magistrate refusing to grant custody of goats and sheep to Respondents 1 to 6, in the special criminal application, which was filed by them under Article 226 of the Constitution through a seasoned lawyer. Respondents 1 to 6 were represented by a Senior Counsel practising in the Gujarat High Court and having regard to the facts of the case, the learned lawyer was justified only in claiming those reliefs to which reference is made earlier.

35. Respondents 1 to 6 were seeking a writ of certiorari or mandamus to declare that order dated 5-7-2008, passed by the learned Chief Judicial Magistrate, Deesa, refusing to hand over custody of the goats and sheep seized to them, was illegal and were also seeking quashing of the said order. At no point of time, had the learned advocate for Respondents 1 to 6 moved any application seeking

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> permission of the Court to amend the prayer clause contained in the petition so as to enable Respondents 1 to 6 to claim compensation from Appellant 1.
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> **36.** A fair reading of the petition makes it more than clear that no factual data whatsoever was laid by Respondents 1 to 6 for claiming compensation from Appellant 1. No facts were mentioned as to in which manner they or any of them had suffered damage or loss because of the handing over of custody of goats and sheep to Appellant 1 and ultimately to Respondent 8, Pinjrapole situated at Patan nor was Appellant 1 permitted to controvert that in fact no damage or loss was suffered by Respondents 1 to 6 or any of them.
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> **37.** There is no manner of doubt that the High Court was too indulgent in this matter. After all, it was not a petition from a person languishing in jail or from a bonded labourer or a party in person or public-spirited citizen seeking to bring a gross injustice to the notice of the Court. Here, the High Court had before it Respondents 1 to 6 as petitioners. The question whether Respondents 1 to 6 suffered damage or loss because of handing over of goats and sheep to Appellant 1 and/or to Respondent 8, depends upon facts to be proved. Normally, such an exercise cannot be undertaken in a writ filed under Article 226 of the Constitution.

15. Besides the aforesaid the principle of constructive res judicata underlying Explanation IV of Section 11 of the Code of Civil Procedure is also applicable to writ case. As the general principle underlying the doctrine of res judicata i.e to prevent an abuse of the process of court is ultimately based on considerations of public policy. Hence even on this account the plea seeking withdrawal of the writ petition wherein the impugned judgement was passed to file a fresh petition on the same cause of action cannot be permitted. In this respect, it would be appropriate to refer to the apex court judgement passed in ***M. Nagabhushana v. State of Karnataka, (2011) 3 SCC 408*** relevant extract whereof reads as under;

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16. *It is nobody's case that the appellant did not know the contents of the FWA. From this it follows that it was open to the appellant to question, in the previous proceeding filed by it, that his land which was acquired was not included in the FWA. No reasonable explanation was offered by the appellant to indicate why he had not raised this issue. Therefore, in our judgment, such an issue cannot be raised in this proceeding in view of the doctrine of constructive res judicata.*

17. *It may be noted in this context that while applying the principles of res judicata the court should not be hampered by any technical rules of interpretation. It has been very categorically opined by Sir Lawrence Jenkins that:*

"… the application of the rule by courts in India should be influenced by no technical considerations of form, but by matter of substance within the limits allowed by law."

(See Sheoparsan Singh v. Ramnandan Singh, IA at p. 99 : ILR at p. 706.)

18. *Therefore, any proceeding which has been initiated in breach of the principle of res judicata is prima facie a proceeding which has been initiated in abuse of the process of court.*

19. *A Constitution Bench of this Court in Devilal Modi v. STO, has explained this principle in very clear terms: (AIR p. 1152, para 7)*

"7. … But the question as to whether a citizen should be allowed to challenge the validity of the same order by successive petitions under Article 226, cannot be answered merely in the light of the significance and importance of the citizens' fundamental rights. The general principle underlying the doctrine of res judicata is ultimately based on considerations of public policy. One important consideration of public policy is that the decisions pronounced by courts of competent jurisdiction should be final, unless they are modified or reversed by appellate authorities; and the other principle is that no one should be made to face the same kind of litigation twice over, because such a process would be contrary to considerations of fair play and justice (vide Daryao v. State of U.P.)."

20. *This Court in AIMO case explained in clear terms that principle behind the doctrine of res judicata is to prevent an abuse of the process of court. In explaining the said principle the Bench in AIMO case relied on the following formulation of Somervell, L.J. in Greenhalgh v. Mallard (All ER p. 257 H): (AIMO case, SCC p. 700, para 39)*

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"39. … 'I think that on the authorities to which I will refer it would be accurate to say that res judicata for this purpose is not confined to the issues which the court is actually asked to decide, but that it covers issues or facts which are so clearly part of the subject-matter of the litigation and so clearly could have been raised that it would be an abuse of the process of the court to allow a new proceeding to be started in respect of them.' "

(emphasis supplied in AIMO case)
The Bench in AIMO case also noted that the judgment of the Court of Appeal in Greenhalgh was approved by this Court in State of U.P. v. Nawab Hussain, SCC at p. 809, para 4.

***21.** Following all these principles a Constitution Bench of this Court in Direct Recruit Class II Engg. Officers' Assn. v. State of Maharashtra8 laid down the following principle: (SCC p. 741, para 35)*

"35. … an adjudication is conclusive and final not only as to the actual matter determined but as to every other matter which the parties might and ought to have litigated and have had decided as incidental to or essentially connected with subject-matter of the litigation and every matter coming into the legitimate purview of the original action both in respect of the matters of claim and defence. Thus, the principle of constructive res judicata underlying Explanation IV of Section 11 of the Code of Civil Procedure was applied to writ case. We, accordingly hold that the writ case is fit to be dismissed on the ground of res judicata."

***22.** In view of such authoritative pronouncement of the Constitution Bench of this Court, there can be no doubt that the principles of constructive res judicata, as explained in Explanation IV to Section 11 CPC, are also applicable to writ petitions.*

***23.** Thus, the attempt to re-argue the case which has been finally decided by the court of last resort is a clear abuse of process of the court, regardless of the principles of res judicata, as has been held by this Court in K.K. Modi v. K.N. Modi. In SCC para 44 of the Report, this principle has been very lucidly discussed by this Court and the relevant portions whereof are extracted below: (SCC p. 592)*

"44. One of the examples cited as an abuse of the process of the court is relitigation. It is an abuse of the process of the court and contrary to justice and public policy for a party to relitigate the same issue which has already been tried and decided earlier against him. The reagitation may or may not be barred as res judicata."

***24.** In coming to the aforementioned finding, this Court relied on The Supreme Court Practice, 1995 published by Sweet &*

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> *Maxwell (p. 344). The relevant principles laid down in the aforesaid practice and which have been accepted by this Court are as follows: (K.K. Modi case, SCC p. 592, para 43)*
> *"43. … 'This term connotes that the process of the court must be used bona fide and properly and must not be abused. The court will prevent improper use of its machinery and will in a proper case, summarily prevent its machinery from being used as a means of vexation and oppression in the process of litigation. … The categories of conduct rendering a claim frivolous, vexatious or an abuse of process are not closed but depend on all the relevant circumstances. And for this purpose considerations of public policy and the interests of justice may be very material.' "*
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> ***25.*** *On the premises aforesaid, it is clear that the attempt by the appellant to reagitate the same issues which were considered by this Court and were rejected expressly in the previous judgment in AIMO case, is a clear instance of an abuse of process of this Court apart from the fact that such issues are barred by principles of res judicata or constructive res judicata and principles analogous thereto.*

16. Other than the aforesaid, his claim of being a Mohtamin is clearly barred by the law of limitation, as in the case at hand the temple was taken over vide Notification dated 9th March, 2006 by the Government of Himachal Pradesh and thereafter the entry of Mohtamin and Pujari was deleted from the revenue records and replaced by "Shri Mahakal Mandir Nayas". The plea of being a Mohtamin could have only been taken within 12 years of the same having been denied in terms of Article 107 of the Limitation Act. Besides the aforesaid, as correctly noticed by the learned single judge the claim of being the sole hereditary pujari and the exclusion of respondents 5 to 7 as co-pujaris raised in the case at hand can be only tried by a Civil Court (alternate remedy) and disputed questions of fact cannot be raised or decided in a writ petition. Now at this belated stage the attempt made to raise a claim of the writ petitioner

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being a Mohtamin of the temple in question, for the reasons mentioned hereinabove, cannot be allowed.In the aforesaid backdrop a reference to the nature of office of a mohtamin and the provisions of the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 made by the appellant shall be an academic exercise in futility, of no relevance and a sheer waste of judicial time.

17. Last but not the least a reference to the apex court judgment in ***R. Rathinavel Chettiar v. V. Sivaraman, (1999) 4 SCC 89***, would be relevant wherein a similar prayer for withdrawal made was rejected. The relevant extract of the judgement where the question was posed and the manner in which the same was considered are being reproduced herein below:

> **8.** The question in the present case is, however, a little different. If the suit has already been decreed or, for that matter, dismissed and a decree has been passed determining the rights of the parties to the suit, which is under challenge in an appeal, can the decree be destroyed by making an application for dismissing the suit as not pressed or unconditionally withdrawing the suit at the appellate stage? It is this question which is to be decided in this appeal.
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> **22.** In view of the above discussion, it comes out that where a decree passed by the trial court is challenged in appeal, it would not be open to the plaintiff, at that stage, to withdraw the suit so as to destroy that decree. The rights which have come to be vested in the parties to the suit under the decree cannot be taken away by withdrawal of the suit at that stage unless very strong reasons are shown that the withdrawal would not affect or prejudice anybody's vested rights.

18. As a last ditch effort, it has been contended by the learned counsel for the appellant that the entire journey of a Judge is

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to discern the truth in the justice delivery system. In this respect, he has placed reliance upon ***(2013) 2 SCC 398 Kishore Samrite vs. State of Uttar Pradesh and others***. The relevant extract whereof reads as follows:-

> "34 It has been consistently stated by this Court 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".

19. However, while placing reliance on the aforesaid judgment, learned Senior Counsel appearing on behalf of the appellant has failed to go through the subsequent paragraph of the aforesaid judgment, wherein it has been categorically held that a litigant should approach the Court with clean hands by putting forth sufficient factual details. The Writ Court should not become a source of abuse of process by a disgruntled litigant, and dishonest attempts to surpass the legal process must be effectively curbed. No litigant can play "hide and seek" with the Court or adopt "pick and choose." The relevant extract in this regard from the judgment in Kishore Samrite (supra) is being reproduced here-in-below:-

> "35 With the passage of time, it has been realised 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 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. To enable the courts to ward off unjustified interference in their working, those who

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indulge in immoral acts like perjury, prevarication and motivated falsehood, must be appropriately dealt with. The parties must state forthwith sufficient factual details to the extent that it reduces the ability to put forward false and exaggerated claims and a litigant must approach the Court with clean hands. 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, unauthorised 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.

36. The party not approaching the Court with clean hands would be liable to be non-suited and such party, who has also succeeded in polluting the stream of justice by making patently false statements, cannot claim relief, especially under Article 136 of the Constitution. While approaching the court, a litigant must state correct facts and come with clean hands. Where such statement of facts is based on some information, the source of such information must also be disclosed. Totally misconceived petition amounts to abuse of the process of the court and such a litigant is not required to be dealt with lightly, as a petition containing misleading and inaccurate statement, if filed, to achieve an ulterior purpose amounts to abuse of the process of the court. A litigant is bound to make "full and true disclosure of facts". (Refer : Tilokchand H.B. Motichand & Ors. v. Munshi & Anr. [1969 (1) SCC 110]; A. Shanmugam v. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam & Anr. [(2012) 6 SCC 430]; Chandra Shashi v. Anil Kumar Verma [(1995) SCC 1 421]; Abhyudya Sanstha v. Union of India & Ors. [(2011) 6 SCC 145]; State of Madhya Pradesh v. Narmada Bachao Andolan & Anr. [(2011) 7 SCC 639]; Kalyaneshwari v. Union of India & Anr. [(2011) 3 SCC 287)].

37. The person seeking equity must do equity. It is not just the clean hands, but also clean mind, clean heart and clean objective that are the equi-fundamentals of judicious litigation. The legal maxim jure naturae aequum est neminem cum alterius detrimento et injuria fieri locupletiorem, which means that it is a law of nature that one should not be enriched by the loss or injury to another, is the percept for Courts. Wide jurisdiction of the court should not become a source of abuse of the process of law by the disgruntled litigant. Careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose the true facts and approach the court with clean hands.

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> 38. No litigant can play 'hide and seek' with the courts or adopt 'pick and choose'. True facts ought to be disclosed as the Court knows law, but not facts. One, who does not come with candid facts and clean breast cannot hold a writ of the court with soiled hands. Suppression or concealment of material facts is impermissible 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. {K.D. Sharma v. Steel Authority of India Ltd. & Ors. [(2008) 12 SCC 481].
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> 39. Another settled canon of administration of justice is that no litigant should be permitted to misuse the judicial process by filing frivolous petitions. No litigant has a right to unlimited drought upon 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 used as a licence to file misconceived and frivolous petitions. (Buddhi Kota Subbarao (Dr.) v. K. Parasaran, (1996) 5 SCC 530).

In view of the aforesaid, the prayer of the appellant seeking liberty to withdraw the writ petition, i.e. CWP No. 6424 of 2024, wherefrom the impugned judgment dated 16.10.2024 arises, cannot be accepted, and no infirmity is found in the impugned judgment dated 16.10.2024, therefore, the present Letters Patent Appeal, being devoid of any merit, is dismissed. Pending miscellaneous application(s), if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

18th March, 2026
(Tarun Singh)

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