

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 501 OF 2015

The Administrative Council, Walchand
College of Engineering, Sangli.

..Petitioner.

Versus

Superintendent of Police, Sangli
and Another.

..Respondents.

Mr. Janak Dwarkadas, Senior Advocate with Mr. Sandesh R.
Shukla i/b M/s. Abhay Nevagi and Associates for the Petitioner.

Mr. S. K. Shinde, Public Prosecutor for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **February 6, 2015.**

P. C. :

1. Not on board. Mentioned for urgent production.
Production was granted and taken on board.

2. Heard the learned Counsel appearing for the
respective parties. By this petition under Article 226 of the
Constitution of India, the Petitioner is seeking directions to the
Respondents to give effective and adequate police protection
to the Petitioner to exercise their rights, duties and privileges
for the effective administration of the Walchand College. The
Walchand College of Engineering was established at Sangli by
the Maharashtra Technical Education Society [for short "the
MTES"] in the year 1947. Owing to the financial problems, in
the year 1955 the MTES approached the Government and the

Walchand Hirachand Memorial Trust [for short “the Walchand Trust”] for financial help. After negotiations between MTES, Walchand Trust and the Government of Bombay, the Walchand Trust donated an amount of Rs.5 lacs to the Walchand college in order to resolve the financial problems and established a body by name “the Administrative Council, Walchand College of Engineering” to manage and administer the said college, which is the Petitioner before this Court.

3. Mr. Dwarkadas, the learned Senior Counsel appearing for the Petitioner submitted the Administrative Council, Walchand College of Engineering consists of 14 members and as of 3rd December 2013, two posts are vacant due to the infighting within the factions of MTES Board of Control. He further submitted that on 29th January 2015 factions led by Mr. Kanetkar and Mr. Deshmukh attempted to forcibly enter the premises of Walchand College, a large group of people armed with sticks threatened security guards and committed the acts of physical violence, the property of the college was damaged. He submitted that due to such acts, students and teachers are living in fear. He submitted that similar incident had taken place on 3rd February 2015 and once again the mob encroached on Walchand College and tried to forcibly enter a guest house on the college premises. He submitted that from time to time these incidents were pointed out to Respondent No.1 by writing letters and demanded police protection, however, Respondent No.1 has turned deaf ear to the requests. He submitted that in order to protect the

interests of the students and teachers and ensure the smooth functioning of the college, police protection is required to be granted.

4. Mr. Shinde, the learned public prosecutor submitted that the Government has issued circular dated 3rd January 2000 giving guidelines regarding the employment of police force to keep the peace and preserve the law and order under section 47 of the Maharashtra Police Act. He submitted that under this circular a special committee is formed to consider the applications made under section 47 of the said Act. He submitted that in the event the Petitioner makes an application, appropriate action will be taken on the same.

5. We are not concerned with the disputes interse between the MTES board of control. We were told that in this regard the litigations are pending in the civil Court as well as this Court. We are of the view that the disputes interse between MTES members will be resolved by the civil as well as this Court in due course of time. At this stage, we are concerned with the smooth running of the college, safety of the students, teachers and the administrative staff. We find *prima facie* substance in the Petitioner's apprehension. In our considered opinion, the interests of justice would be met if the Petitioner is directed to approach the committee constituted under the Circular dated 3rd January 2000 and further direction to the said Committee to decide of the Petitioner's application on merits and until such decision, Respondent No.1 to give

adequate police protection to the Petitioner at its cost. Petition is accordingly disposed of with following directions :

- [1] The Petitioner shall make a fresh application to Respondent No.1 for police protection within the period of one week from today.
- [2] In the event such an application is made, Respondent No.1 shall place the same before the committee constituted under the Circular dated 3rd January 2000 within the period of one week from the date of filing.
- [3] In view of the peculiar facts and circumstances of the case, the Committee is directed to give an opportunity of hearing to the Petitioner and shall thereafter take an appropriate decision on the Petitioner's application expeditiously.
- [4] Till the decision by the Committee constituted under 3rd January 2000, Respondent No.1 is directed to provide adequate police protection to the Petitioner at their cost to maintain the law and order in and around the premises of Walchand College, Sangli.

6. Petition stands disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]