

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.1782 OF 2016

Shri Vinayak Vijaysingh Chauhan. .. Petitioner

Vs

The State of Maharashtra and Others. .. Respondents

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Shri M.K. Kocharekar i/b Shri Ganesh Bhujbal for the Petitioner
Mrs. M.H. Mhatre, APP for the Respondent State.

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CORAM : A.S. OKA & A.K. MENON, JJ

DATED : 14TH SEPTEMBER 2016

PC.

1. Heard learned counsel appearing for the Petitioner and the learned APP for the Respondent. The prayer clause (a) of this Petition under Article 226 of the Constitution of India which is the only substantive relief sought in this Petition reads thus:

“(a) This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus, directing the Respondents to take action on the Petitioner's Letter/Complaint dated 18.4.2016 and allow the Petitioner and/or his family members, business associates/his employees to enter “Vaijal Compound” situated at Survey No.249/2, 249/3, Satellite Tower, Malad (E), Mumbai.”

2. Today, the learned APP has tendered across the bar a report dated 14th September 2016 submitted by the Senior Inspector of Police,

Dindoshi Police Station, Mumbai, The same is taken on record and marked "R1" for identification.

3. The report records that as there was a likelihood of breach of peace and as two offences have been already registered, outside the premises, the police personnel have been posted only for preventing the breach of peace. There is a specific statement made in the report that the police are not obstructing entry of any person to the premises in question. We accept the statements made in the said report marked "R1" for identification.

4. In view of the statements made in the report, it is not necessary to grant relief in terms of prayer clause (a). We, however, make it clear that we have not made any adjudication on merits of the claim of the Petitioner that he is in possession of a particular premises.

5. Subject to what is observed above, the Petition is disposed of. In view of the disposal of the Writ Petition, the Criminal Application No.253 of 2016 does not survive and the same is disposed of.

(A.K. MENON, J)

(A.S. OKA, J)