

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1095 OF 2016

Dagdu Laxman Kadam	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

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Mr. D.V. Sutar for the Petitioner.
Ms A.S. Pai, APP for the Respondents-State.
Mr. Sunil Pawar, API, EOW, Unit -7 present.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 12th APRIL, 2017.

P.C.:-

The Petitioner claims to be the owner of C.T. Survey No. No.4A-2, 0.99 situated at Village Adsule, Taluka-Sudhagad, District-Raigad. The Goregaon Police Station initially registered the FIR No.285 of 2015, which was subsequently transferred to Economic Offences Wing and renumbered as C.R. No.92 of 2015 under the provisions of Sections 420, 406 and 120 B of the Indian Penal Code and Sections 3 and 4 of the M.P.I.D. Act, 1999. The Petitioner is not an accused in this crime. However, it is alleged by the investigating agency that the Petitioner agreed to sell the said property to accused Chittanranjan Das and received Rs.15 lakhs. In the light of these

allegations senior police inspector, E.O.W. Unit-7, Mumbai issued public notice, which is annexed at Exh.-'C'. Whereunder the public at large are prohibited from transferring / purchasing / mortgaging etc. of the said property without prior permission.

2. The learned counsel for the Petitioner has approached this Court on the sole ground that the senior inspector, E.O.W. has no jurisdiction to issue such a public notice.

3. The learned APP, does not seriously dispute that the police have jurisdiction to issue such public notice. However, she submits that proposal to appoint competent authority is made to the Appropriate Authority and the same is pending.

4. In our considered opinion pendency of the proposal with the competent authority cannot be the ground to issue such notice especially when the Act does not confer such jurisdiction on the Police Authority. At this stage the learned counsel for the Petitioner, on instructions states that even after the impugned notice is quashed and set aside in respect of his property, he will maintain status quo regarding the property bearing CTS No.4A-2, 0.99 situated at Village

Adsule, Taluka-Sudhagad, District-Raigad, for the period of one month from today. The statement is accepted.

5. In the above circumstances, the impugned notice is quashed and set aside so far as it relates to the Petitioner's property bearing CTS No.4A-2, 0.99 situated at Village Adsule, Taluka-Sudhagad, District-Raigad. The Petitioner, however, is directed to maintain status quo regarding the said property for a period of one month from today.

6. The writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)