

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2390 OF 2017

The Agricultural Produce Market

Committee, District-Satara

....Petitioner

V/s.

The Superintendent of Police, Satara

and anr.

....Respondents

* * * * *

Mr. R.C. Barge, Advocate for the Petitioner.

Mr. S.R. Shinde, APP for respondent, State.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

29TH AUGUST, 2017.

P.C. :-

1. The only relief sought in the above petition is for a direction to the Superintendent of Police, Satara to grant police protection to the petitioner herein for the development of the property of the petitioner. The Petitioner, is the Agricultural Produce Market Committee,

Satara (for short the 'APMC'). The petitioner claims that, lands have been acquired for its benefit. To put the lands to beneficial use, the petitioner had invited tenders for development of the said land and contract awarded. It is the case of the petitioner that, on account of the disturbance created by the land owners from whom lands have been acquired, the work under the contract could not be carried out. The petitioner's application for police protection has been turned down by the Superintendent of Police, Satara by letter dated 6th May, 2017 informing the petitioner that in view of the pendency of Writ Petition (Lodg) No. 31487 of 2014, it would not be possible to grant police protection to the Petitioner. In so far as, the said writ petition is concerned, the said number is the lodging number. The said writ petition was thereafter numbered and bore the Writ Petition No. 6297 of 2017. The said Writ Petition had come up for admission before a Division Bench of this Court headed by the Hon'ble The Chief Justice and Justice N.M. Jamdar on

1st August, 2017. The Learned Counsel for the petitioner draws our attention to the order passed by the Division Bench on the said date which discloses that on account of the non-appearance on behalf of the petitioner, the said writ petition came to be dismissed for non-prosecution. Hence, insofar as, the said writ petition is concerned, as on date, there is no impediment by way of a restraint order operating in the said petition against the petitioner, APMC. In our view, therefore, the petitioner can be granted the relief of being provided with police protection. We therefore direct the Superintendent of Police, Satara to grant police protection to the petitioner, APMC on the day or days required by it subject to rules.

2. We, however, make it clear that the grant of the said police protection would be subject to any restraint order that may be passed between the date when the application for police protection is made and the date on which police protection is sought. Our order would also not operate as a restraint on any party from

obtaining orders from the appropriate Court in appropriate proceedings. With the aforesaid observations, the writ petition is disposed of.

3. Parties to act on a copy of the order duly authenticated by the Sheristedar of the Court.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)