

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3758 OF 2016

Malkarsiddh Kala Krida Va Sanskrutik Mandal, Ghosarwad, Tal. Shirol, Dist. Kolhapur	...	Petitioner
Vs.		
State of Maharashtra, Through Kurundwad Police Station, Tal. Shirol, Dist. Kolhapur	...	Respondents

Mr. A.P. Pawar for the Petitioner.

Ms. S.D. Shinde, A.P.P., for the Respondent-State.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 8TH FEBRUARY 2017.

P.C. :

1. Heard.

2. The petitioner claims to be a Mandal registered under Societies Registration Act, 1860. The petitioner is engaged in social activities such as carrying on various cultural functions, promote education, undertake charitable functions, social, medical, sports and other welfare activities. The petitioner states that due to continuous harassment by the local police, it has

become imperative for the petitioner to ask for relief, as claimed in the petition. The relief claimed in the petition is to direct the respondent-State not to enter into the premises of the petitioner-Mandal without following due process of law and/or without any prior intimation/notice, in the interests of justice.

3. Ms. Shinde, learned APP, submitted that no such blanket relief can be granted.

4. In our opinion, the relief claimed in prayer clause (b) of the Petition is articulated in such a manner that the effect of granting it, would be granting blanket relief to the petitioner. In our opinion, if the local police has reason to believe that some illegal activities are being conducted in the premises of the petitioner-Mandal, to unravel that, or, to immediately stop those activities, they are competent to enter the premises, without giving notice to the petitioner. That action would, nevertheless, be with due procedure of law. In other words, we would only observe that the local police are free to enter the premises of the petitioner-Mandal by following due process of law and may do so without giving prior notice/intimation, in the given situation, where they are authorized to do so by law.

5. We make it clear that none of the observations made in this order are expression of opinion either way on the assertion made by the petitioner-Mandal that they are conducting activities which

are only legitimate and permissible activities. We are not entering upon that discussion, as it is not necessary to do so for the disposal of this petition.

6. In the light of the above observations, the petition is disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]