

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.880 OF 2017

Buldana Urban Cooperative Credit
 Society Ltd., Buldana, a Society
 registered under Multi-State
 Cooperative Societies Act and having
 Registration No.267, Head Office
 at Buldana, through its General
 Manager.

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Petitioner

- Versus -

- 1) The State of Maharashtra,
 through its Secretary, Ministry of
 Home Department, Mantralaya,
 Mumbai – 32.
- 2) District Superintendent of Police,
 Buldana.
- 3) Maharashtra State Cooperative Bank,
 through its Authorised Officer and
 CEO, Maharashtra State Cooperative
 Bank, Mumbai, Regional Office :
 Plot No.10, CIDCO, Aurangabad.
- 4) Collector, Buldana and Official
 Liquidator of Jijamata Cooperative
 Sugar Factory, Dusr-Bid.
- 5) Cooperative Sugar Factory, through
 its Liquidator and Collector, Buldana.
- 6) Jijamata Sugars Pvt. Ltd., through
 its Chairman, Vinaykumar Kothari,
 Rushabh Bungalow, near Shivaji
 Statue, Opposite Government Rest
 House, Jalna, Taluq and District
 Jalna.

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Respondents

Shri R.G. Kavimandan, Advocate for petitioner.

Smt. M.H. Deshmukh, Additional Public Prosecutor for respondent nos.1, 2 and 4.

CORAM : P.N. DESHMUKH AND
M.G. GIRATKAR, JJ.
DATED : JUNE 21, 2018

ORAL JUDGMENT (PER P.N. DESHMUKH, J.) :

Rule returnable forthwith. Heard finally with consent of learned Counsel for the parties.

2) Prayer of petitioner in this petition is to issue direction to respondent no.2 to provide Police protection by fixing fresh schedule, thereby allowing petitioner to shift sugar bags, which are presently stored with respondent no.3 contending that in spite of petitioner depositing amount of Rs.1,83,210/- with respondent no.2, sugar bags could not be lifted as some dues of labourers/employees of Jijamata Cooperative Sugar Factory Ltd., which is in liquidation, were outstanding and on that ground, respondent no.2 refused to provide Police protection.

3) On the earlier date, directions were issued to learned Additional Public Prosecutor to obtain instructions from respondent no.2 on the aspect of providing Police protection for above purpose, upon which learned Additional Public Prosecutor, on instructions, makes a statement that respondent no.2 shall provide necessary Police protection

for lifting sugar bags from godowns of respondent no.3 as per schedule of petitioner.

4) The petitioner is a Cooperative Credit Society registered under the Multi-State Cooperative Societies Act. One Jijamata Cooperative Sugar Factory registered under the Societies Registration Act was sold by respondent no.1 by appointing Liquidator. Before purchase of said factory, Jijamata Cooperative Sugar Factory had taken loan from respondent no.3 and for that purpose, assets of Jijamata Cooperative Sugar Factory were mortgaged. After purchase of said factory, 14140 sugar bags, which were in godown no.2 of the said factory, could not be removed on account of dispute between employees and Directors of said factory.

5) In the background of above facts, present petition came to be filed seeking direction to respondent no.2 to provide Police protection for shifting of 14140 sugar bags. From the contents of petition, it is further found that for lifting 14140 sugar bags, which are stored in godown of respondent no.3, petitioner had sought Police protection. From the documents filed in support of the petition, it is also established that amount of Rs.1,83,210/- is deposited by petitioner with respondent no.2 vide money receipt dated 4/5/2016, which is on record at Annexure XII.

6) In view of above facts, we find that the only reason for not

providing Police protection by respondent no.2 to petitioner was certain legitimate claims of labourers/employees alleged to have been pending. This Court vide order dated 7/6/2018 issued direction to learned Additional Public Prosecutor to obtain instructions from respondent no.2 for providing Police protection. As already observed, labourers/employees have remedy under law to agitate their legitimate demands and pendency of such claims by itself cannot be a ground to refuse Police protection to petitioner Cooperative Credit Society for lifting sugar bags as petitioner is found entitled to claim the same as per earlier order referred in the petition.

7) In that view of the matter, we direct petitioner to inform respondent no.2 date on which it would be in a position to lift above numbered sugar bags so as to enable respondent no.2 to provide Police protection. Needless to say that respondent no.2 shall provide necessary Police protection to petitioner for which required amount is already claimed by respondent no.2.

8) Rule is made absolute in the aforesaid terms. The petition is disposed of. No order as to costs.

JUDGE

JUDGE

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