

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

CRIMINAL WRIT PETITION NO. 4033 OF 2019

Mr. Shivajirao Sakharam Jondhale .. Petitioner
Vs.
The State of Maharashtra & Anr. .. Respondents

Mr. A.G. Damle, Senior Advocate I/b V.V. Salunke for petitioner.

Mr. F.R. Shaikh, APP for respondent No.1-State.

PSI S.L. Bhapkar, Manpada Police Station present.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 21ST AUGUST 2019

P.C.

1 Heard Shri Damle, the learned Senior Counsel for the petitioner and the learned APP for the respondent No.1-State.

2 The petition is filed seeking various reliefs. However, relief has been sought mainly in terms of prayer clauses (a) and (b) which read as under :-

“(a) By suitable writ, order or direction, this Hon'ble Court be pleased to direct the Respondents to initiate and take the immediate and necessary action in order to prevent the unlawful activities mentioned in the para Nos. 2e and 2f of the Petition at the subject property i.e., Survey No.5/1 (Old Survey NO. 149/Part) at Sagaon-Sonarpada, Tal. Kalyan, District : Thane during the forth coming Ganesh Festival from 30/08/2019 till 14/09/2019.

(b) By suitable writ, order or direction, this Hon'ble Court may be pleased to restrain the Respondents from granting any

permission for the purpose of immersion, use of loud speaker, for taking out procession and other incidental permissions in favour of any Applicant proposing immersions at the subject property i.e. Survey No.5/1 (Old Survey No.149/Part) at Sagaon-Sonarpada, Tal.Kalyan, District : Thane during the forth coming Ganesh Festival from 30/08/2019 till 14/09/2019.”

3 Shri Damle, the learned Senior Counsel for the petitioner, on instructions, states that though earlier he has prayed for reliefs in terms of prayer clauses (a) and (b), but he is restricting his prayer to the extent of prayer clause (a) only and is not pressing prayer clause (b) at this stage.

4 The petitioner is the President of the Samarth Samaj Trust, Dombivali, Dist. Thane which runs several educational institutions including Jondhale Engineering College. The concerned Ward Officer of Kalyan Dombivali Municipal Corporation, vide letter dated 10th July 2019 addressed to Manager, Jondhale Engineering College, Dombivali, Dist. Thane informed him about making available the pond/lake in the adjoining area located in the premises of Jondhale Engineering College for immersion of Ganpati idols during Ganpati Festivale, i.e., 30-08-2019 to 14-09-2019. It is also stated facilities of cleaning the area, pavilion/pandal and electricity arrangement etc. would be provided by the Corporation.

5 The grievance of the petitioner is that various unlawful activities are being undertaken by the general public at the time of immersion of Ganpati

idols. The illegal activities are narrated in paragraphs 2(e) and 2(f) of the petition.

6 Shri Shaikh, the learned APP, on instructions from the concerned Investigating Officer, who is present in Court, makes a statement that all necessary efforts to prevent untoward actions will be taken by the Police and sufficient Police officials will be provided at the time of immersion of Ganpati idols at the said premises. The learned APP further submits that the police always take care and in future also will take care to prevent unlawful activities at the time of Ganpatil idol immersion. The statement is accepted.

7 In the light of the above, the grievance raised by the petitioner in the instant petition stands redressed.

8 In view of above, the petition stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]