

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 319/2019.

Fattelal Shaligram Trust, Amravati

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.A. Mohta, Advocate for the Petitioner.
Shri T.A. Mirza, A.P.P. for Respondent Nos.1 to 3.

CORAM : Z. A. HAQ AND
VINAY JOSHI, JJ.

DATE : APRIL 15, 2019.

Heard.

2. By this petition, the petitioner – a Public Trust, seeks mandamus against respondent no.2 Deputy Superintendent of Police, Akola, and the respondent no.3 Police Station Officer, Telhara directing them to provide police protection to petitioner, at the cost of petitioner Trust to facilitate the petitioner to protect its property. According to the petitioner Public Trust, inspite of decree passed by the

2

competent Civil Court in its favour, respondent nos. 4 to 65 are creating obstacles in cultivating the agricultural land and therefore, police protection is required.

3. According to the petitioner, an application is filed before the Executing Court seeking directions against the police authorities to provide protection for facilitating the sowing operation in the agricultural lands in question, however, the Civil Court has not passed any orders since last more than 5 ½ years. The petitioner further makes a grievance that though an application is made to respondent no.3 seeking police protection in the matter, no decision is taken on the said application.

4. On query, the learned Advocate for the petitioner stated that the petitioner – Trust has not made any complaint to the respondent no.2 Deputy Superintendent of Police or superior officer/officers against the inaction on the part of respondent no.3 in the matter. There is nothing on record to show that the application filed before the Executing Court in the year 2013, is prosecuted diligently.

3

5. Learned Advocate for the petitioner has pointed out the judgment passed by this Court in Criminal Writ Petition No.504/2015, and has submitted that in similar situation in respect of different properties of the petitioner Public Trust, this Court has redressed similar grievance of the petitioner and has issued directions for police protection.

6. In the facts of the present case as recorded in earlier paragraphs we are not inclined to issue writ of mandamus as sought for by the petitioner Public Trust. The petitioner Public Trust is at liberty to pursue appropriate remedy as per law.

Writ Petition is disposed. No costs.

JUDGE

JUDGE

Rgd.