

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

**LD VC CRIMINAL WRIT PETITION NO. 205 OF 2020**

**PETITIONERS :**

1. Prakash Gopichand Maske,  
Aged about : 42 years,  
Occu : Agriculturist, R/o Dawwa,  
Tah. & Distt. Bhandara.
2. Najuk s/o Vasanta Gaidhane,  
Aged about : 45 years,  
Occu : Agriculturist, R/o Godhpendhri,  
Post : Pohara, Tah. Lakhani,  
Distt. Bhandara.
3. Umesh S/o Gangaram Garpade,  
Aged about : 43 years,  
Occu : Agriculturist, R/o Gondegaon,  
Tah. Lakhani, Distt. Bhandara.

**V E R S U S**

**RESPONDENTS :**

1. State of Maharashtra,  
Through Principal Secretary,  
Department of Home, Mantralaya,  
Mumbai : 400 032.
2. The Principal Secretary,  
Department of Disaster Management,  
Mantralaya, Mumbai : 400 032.
3. Superintendent of Police,  
Bhandara.
4. Police Station Officer,  
Police Station, Bhandara.
5. The Collector, Bhandara.

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Shri M. P. Khajanchi, Advocate for petitioners.

Shri M. K. Pathan, Additional Public Prosecutor for respondent Nos.1 to 5.  
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**CORAM:- Z. A. HAQ AND**  
**N. B. SURYAWANSHI, JJ.**  
**DATED :- 19/06/2020.**

**ORAL JUDGMENT : (PER N. B. SURYAWANSHI, J)**

1. Rule. Rule made returnable forthwith.
2. Petition is filed seeking following reliefs :-
  - a) Issue appropriate writ, order or directions and thereby direct the respondent no.5 Superintendent of Police, Bhandara and respondent no.4 Police Station Officer, Bhandara to immediately register the First Information Report in terms of section 154(1) of Cr. P. C. against the accused persons named in Complaints dated 01/04/2020 (Annexure P-1), Complaint dated 08/05/2020 (Annexure P-8) and complaint dated 24/05/2020 (Annexure P-10), for the offences under Sections 341, 395, 409, 468, 471, 474, 489 r/w section 120-B Indian Penal Code and section 55 of the Disaster Management Act, 2005 and to investigate the matter;
  - b) issue appropriate direction to the respondent no.2 – Principal Secretary, Department of Disaster Management, and respondent no.5 Collector Bhandara to immediately grant sanction to prosecute the persons named in Complaint dated 08/05/2020 (Annexure P-8) and Complaint dated 24/05/2020 (Annexure P-10) in terms of request dated 24/05/2020 (Annexure P-11) for offence under section 55 of the Disaster Management Act, 2005;
  - c) pending final disposal of the petition, issue appropriate interim order directing the respondent no.2 – Principal Secretary, Department of Disaster Management, and respondent no.5 Collector Bhandara to immediately take decision on petitioners' communication dated 24/05/2020 (Annexure P-11) in terms of provisions of section 59 of the Disaster Management Act, 2005;
  - d) grant ad-interim ex-parte relief in terms of prayer clause (c) above, in the interest of justice;

e) grant any other relief which this Hon'ble Court deems fit to this Hon'ble Court just and proper in the facts and circumstances of the case, in favour of the petitioners, in the interest of justice.

3. A representation / complaint dated 08/05/2020 (Annexure P-8), complaint dated 24/05/2020 (Annexure P-10) and application dated 26/05/2020 (Annexure P-11), are pending before the respondent No.2 and respondent No.5.

4. In the facts of the case, we deem it appropriate to direct respondent Nos.2 and 5 to take decision on the complaint / representations of the petitioners at Annexures-P-8, P-10 and P-11 within eight weeks from today. At this stage, it is uncertain whether the grievance of the petitioners would survive or not after the decision on the complaint / representations. Hence, without delving into the merits of the contentions of the petitioners, we dispose the petition, keeping the issues open for consideration in appropriate proceedings, if required.

5. Rule is made absolute in above terms. No order as to costs.

**JUDGE**

**JUDGE**

Choulwar

Vithal  
Choulwar

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Choulwar  
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