

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4329 OF 2019

Mandira
Salgaonkar

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Vranda G. Pai .. Petitioner
Versus
The Commissioner of Police & Ors. .. Respondents
...

Mr.Rajesh S. Datar i/b Mr.Akshay J. Kandarkar for the Petitioner.

Mrs.S.D.Shinde, APP for the Respondents/State.

PI D.M.Thopate attached to Malad Police Station present.

**CORAM: S.S.SHINDE &
MANISH PITALE, JJ.**

DATED : 18th FEBRUARY, 2021

P.C:-

1. The petitioner has approached this Court, seeking the following reliefs :-

(a) that this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order of direction under Article 226 of the Constitution of India, read with Section 482 of Code of Criminal Procedure, 1973, thereby :

i) directing the Respondents to take necessary legal action including filing of an F.I.R. under relevant provisions of the Indian Penal Code against the Judgment Debtors/Defendants in T.E. & R. Suit No.54/64 of 2003 as well as said Shri Sunil Koli, husband of the sitting

Corporator from Ward No.46, Malad (W) and any other person obstructing the Petitioner, her family members and anybody acting under the Petitioner from entering the said premises, situated at CTS No.422 and CTS No.423, Bhandarwada, Malad (W), Mumbai – 400 064;

ii) directing Respondent No.6 to provide security/police assistance to the Petitioner, her family members or anybody acting under the Petitioner enabling them to approach the said premises situated at CTS No.422 and CTS No.423, Bhandarwada, Malad (W), Mumbai – 400 064.

(b) that during the pendency and till final disposal of this Writ Petition, this Hon'ble Court be pleased to direct Respondent No.6 to provide security/police assistance to the Petitioner, her family members or anybody acting under the Petitioner enabling them to approach the said premises situated at CTS No.422 and CTS No.423, Bhandarwada, Malad (W), Mumbai – 400 064”

2. Having heard learned counsel appearing for the petitioner and learned APP appearing on behalf of the respondents at some length, it was submitted by learned counsel appearing for the petitioner that the petitioner would be satisfied, if the respondents take a decision on his representation dated 27th October, 2018, wherein the petitioner had raised grievance about judgment debtors' obstructing his entry into a property, which came to his possession in pursuance of execution of decree. According to the petitioner, an FIR was required to be registered.

3. It was further submitted on behalf of the petitioner that he will be satisfied if the police protection/assistance is provided to the petitioner on the following two aspects :-

“1. The Petitioner requires Police Protection/Assistance for restoration/installation of Electricity Connection of Adani/Tata Electricity Power Supply and Water Connection at the said premises i.e. 1st Floor standing on i.e. CTS No.422 situated at Bhandarwada, Near Gaothan, Malad (W), Mumbai.

2. The Petitioner requires Police Protection/Assistance for removing the obstruction placed at the entry of aforesaid building standing on CTS No.422 situated at Bhandarwada, Near Gaothan, Malad (W), Mumbai.”

4. Learned APP, on instructions of PI Thopate attached to Malad Police Station, who is present in Court, submits that a decision on the representation dated 27th October, 2018 shall be taken within one week from today. As regards the above quoted two aspects on which, police protection/assistance is sought for by the petitioner, learned APP, on instructions, submits that insofar as the first point is concerned, if the petitioner specifies a date and submits an application to grant police protection/assistance, it shall be provided. Insofar as point No.2 is concerned, it is submitted by the learned APP that the police will remain present when the petitioner takes steps for removal of obstruction at the entry of the building mentioned.

5. In view of the aforesaid statements made on behalf of the respondents, grievance in the petition stands satisfied.

6. Hence, the writ petition stands disposed of accordingly.

(MANISH PITALE, J.)

(S.S.SHINDE, J.)