

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL PUBLIC INTEREST LITIGATION NO.2 OF 2022

JAIKISHAN UDAKRAM KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

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Mr. A.T. Kanawade advocate for the petitioner.

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CORAM : V.K. JADHAV & SANDIPKUMAR C. MORE, JJ.

Dated : April 29, 2022

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PER COURT :-

1. This public interest litigation is filed today and placed before us at about 04.00 p.m.
2. The Registrar (Judicial) of this Court has examined the matter as to whether the petition constitutes a Public Interest Litigation. In the opinion of the Registrar (Judicial) of this Court, prima facie, petition would not constitute Public Interest Litigation.
3. Assuming that it is a Public Interest Litigation, the petitioner, who is a District and City President of Republican Yuva Morcha, Aurangabad has filed this Public Interest Litigation for the following directions :-

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- “a. In the circumstances, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ Order or direction, more particularly one in the nature of Writ of Mandamus or any other writ or direction in the nature of the writ and issue direction to the Respondent to restrict /stop the Political Rally of Mr.Swarraj alias Raj Thackeray, Chief of the Maharashtra Navnirman Sena, Scheduled on 1st of May, 2022 at Marathwada Sanskritik Mandal Maidan, Aurangabad.
- b. In the circumstances, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ Order or direction, more particularly one in the nature of Writ of Mandamus or any other writ or direction in the nature of the writ and issue direction to the Respondents to scripted the proposed speech and produce the same before this Court in advance.
- c. In the circumstances, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ Order or direction, more particularly, one in the nature of Writ of Mandamus or any other writ or direction

in the nature of the writ and restrict them for the live telecast of the said rally.”

4. The learned counsel for the petitioner has not annexed the permission granted by the respondent no.2 for the political rally of Mr. Swarraj alias Raj Thackeray, Chief of the Maharashtra Navnirman Sena, scheduled on 1st of May, 2022 at Marathwada Sanskritik Mandal Maidan, Aurangabad, however, placed the said permission dated 28.4.2022 granted by the respondent no.2 before us. On perusal of the same, it appears that the respondent no.2 has granted the permission to the rally on certain conditions.

5. By way of this Public Interest Litigation, the petitioner has not sought any relief of quashing of the said permission nor referred any provisions of the Maharashtra Police Act, 1951, but simply sought the directions to the respondents to restrict/stop the political rally scheduled on 1.5.2022 with further directions to the rally organizers to place before this Court in advance the proposed speech.

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6. The petitioner is merely seeking the directions. In our considered opinion, the matter pertains to civil nature. We direct the Registrar (Judicial) of this Court to place the matter before the appropriate bench. Remove from the board.

(SANDIPKUMAR C. MORE, J.) (V.K. JADHAV, J.)

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