

Anand

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

WRIT PETITION NO. 12705 OF 2023

Sanjeeva Shetty .Petitioner

Vs.

The Commissioner of Police, Thane (City), .Respondents
District – Thane & anr.

**WITH
WRIT PETITION (ST) NO. 26909 OF 2023**

Sindhu Tukaram Deshmukh .Petitioner

Vs.

The Commissioner of Police, Thane (City), .Respondents
District – Thane & anr.

Ms. Veena Thadani, Advocate, for the Petitioners
Mr. S. D. Rayrikar, AGP, for Respondent Nos. 1 & 2 – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 04.11.2023

P. C.

1. Heard Ms. Thadani, learned counsel appearing for the
Petitioners and Mr. Rayrikar, learned AGP appearing for the
Respondent – State.

2. The challenge in these Writ Petitions is to the legality
and validity of the order dated 28.08.2023 passed by the Deputy
Commissioner of Police, Thane.

3. It is an admitted position that the Petitioners have also challenged the said order by filing an Appeal under Section 33 of the Bombay Police Act, 1951 and the said Appeal is pending.

4. The grievance of the Petitioners is that the said Appeal or even the stay Application in the said Appeal is not being considered. Therefore, request is made to stay the impugned order dated 28.08.2023 passed by the Deputy Commissioner of Police, Thane.

5. However, Mr. Rayrikar, learned AGP appearing for Respondent Nos. 1 & 2 - State, submits that he has received instructions that hearing of the said Appeal is scheduled on 06.11.2023.

6. Accordingly, the following order is passed.

O R D E R

(i) The Petitioners to appear before the Principal Secretary (Appeal & Security), Home Department, Mantralaya, Mumbai on 06.11.2023 at 11.30 a. m.;

(ii) The Principal Secretary (Appeal & Security) to hear

the Petitioners and dispose of the said Appeal or at least decide the stay application filed in the said Appeal by 10.11.2023.

7. Accordingly, the Writ Petitions are disposed in above terms with no order as to costs.

8. It is clarified that this Court has not considered the merits of the Petitions and all the contentions in that behalf are expressly kept open.

(MADHAV J. JAMDAR, J.)