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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 210 OF 2023

Sadanand Tanaji Zimbare
and Another.

...Petitioners.

V/s.

The State of Maharashtra & Others.

...Respondents.

Mr. Siddhsen Borulkar and Mr. Santosh Zimbare for the Petitioners.

Mr. H. J. Dedhia, APP for the Respondent-State.

Ms. Bhakti Wast i/b Mr. Samir Suryawanshi for Respondent No. 4 and 5.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 20th October, 2023.

P. C. :

1. In pursuance of Order dated 15th September 2023, the Additional Chief Secretary (Home Department), Mantralaya, Mumbai has filed Affidavit dated 13th October 2023. In Paragraph No.2, it is stated that, by the Notification dated 5th October 2023, the Sub Divisional Magistrate is appointed as the Social Boycott Officer for the jurisdiction of respective sub-divisions as per Section 15 of the Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016 (for short, “the said Act”). We are

satisfied with the said Affidavit.

2. Record indicates that, the application preferred by Petitioners bearing No. CRI/2016/2021, under the provisions of said Act with the Collector, Ratnagiri was decided by the S.D.O., Rajapur by its impugned Order dated 10th October 2022. That, the powers of Collector to decide the said application were delegated to the S.D.O. by the Additional District Collector. No record to the effect that, the Collector, Ratnagiri has in fact delegated the powers to the S.D.O., is produced before us. Under Section 14(2) of the said Act, the Collector or the Sub Divisional Magistrate is expected to take necessary steps including, giving of appropriate directives to the Police Authorities.

3. By the impugned Order dated 10th October 2022, Respondent No.3 has rejected the application of Petitioners. According to us, Respondent No.3 has not taken into consideration the social impact and avowed object of Legislature in enacting the said Act. According to us, the S.D.O. has considered the application of Petitioners as a regular Revenue Appeal under the M.L.R.C or B.T.A.L. Act. In view thereof, there is no alternative than to quash the impugned Order dated 10th October 2022 passed by Respondent No.3 and it is accordingly quashed. We restore the application of Petitioners dated 9th March 2021 to the file

of Collector, Ratnagiri. We direct the Collector, Ratnagiri to strictly follow the provisions of said Act and decide the application of Petitioners as per the mandate of law, if the Petitioners still desire to pursue it.

4. Petition is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)