



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.598 OF 2019

1. Kudrat Ali S/o. Mohammad Ali,
age 43 years, occ. Business,
R/o. Ajanta Talkies, Amalner,
Tq. Amalner, District Jalgaon.
2. Shaikh Riyajoddin s/o Ruknoddin,
age 40 yrs, occ. Business,
R/o. Amalner, Tq. Amalner,
District. Jalgaon.
3. Sherkhan s/o Mohammad Khan Pathan
age 42 years, Occ. Business,
R/o. Amalner,
Tq. Amalner, Dist Jalgaon. Petitioners.

Versus

1. The State of Maharashtra,
through the Principal Secretary,
Home Department, Mantralaya,
Mumbai.
2. The Director General of Police,
State of Maharashtra, Mumbai.
3. The Superintendent of Police,
Jalgaon, District Jalgaon.
4. The Police Station Officer,
Police Station, Amalner,
Tq. Amalner, District Jalgaon.
5. The Central Bureau of Investigation. ..Deleted..
6. District Magistrate and Collector,
Jalgaon, District Jalgaon.

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Advocate for Petitioners : Mr. G.K. (Naik) Thigle
APP for Respondents : Mr. S.A. Gaikwad
Advocate for Respondent 5 : Mr. S.B. Deshpande
Mr. N.M. Deshpande advocate for applicant-intervenors.

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WITH
CRIMINAL APPLICATION NO.1721 OF 2022
IN
WRIT PETITION NO. 598 OF 2019

Rukhsar Shaikh Tayyab
Through POA for 19 others,
age 40 years, Occ. Worker,
C/o Shaikh Tayyab Shafi,
Gandhlipura, Behind Ajanta Talkij,
Amalner, Jalgaon. Applicant.

Versus.

1. Kudrat Ali S/o. Mohammad Ali,
age 43 yrs, Occ. Business,
R/o Ajanta Talkies, Amalner,
Tq. Amalner, Dist. Jalgaon.
2. Shaikh Riyajoddin s/o Ruknoddin,
age 40 yrs, Occ. Business,
R/o 40, Amalner, Tq. Amlaner,
District Jalgaon.
3. Sherkhan s/o Mohammad Khan Pathan,
age 42 yrs, Occ. Business,
R/o Amalner, Tq. Amalner, Dist. Jalgaon.
4. State of Maharashtra,
Through the Principle Secretary,
Home Department, Mantralaya,
Mumbai.
5. The Director General of Police,
State of Maharashtra, Mumbai.

6. The Superintendent of Police,
Jalgaon, District Jalgaon.
7. The Police Station Officer,
Police Station, Amalner,
Tq. Amalner, District Jalgaon.
8. The Central Bureau of Investigation
(since deleted). Respondents.

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Advocate for Applicants : Mr. N.M. Deshpande
APP for Respondent no.4 to 7: Mr. S A Gaikwad
Advocate for respondents 1 to 3 : Mr. G.K. Naik Thigle

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**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : October 09, 2024

ORDER :- (Per S.G. Chapalgaonkar, J.)

1. The writ jurisdiction of this Court is invoked by the residents of Amalner Town seeking issuance of writ of mandamus against the Respondent Authorities to ensure that the offences and activities prohibited under Immoral Traffic (Prevention) Act (for short "PITA" Act) are not carried out in the residential area in the Amalner City and take necessary steps under the provisions of Section 18 of the PITA Act to curb continuation of the offences in the residential area of the petitioners. The petitioners further seeks directions against the appropriate Authorities to fix the responsibility against the officers to ensure effective compliance and rehabilitation of the

victims and also provide appropriate protection to the petitioners, who are under eminent threat from brothel operators.

2. On 22.4.2019 this Court took cognizance of the petition and issued notices to the Respondents for final disposal of the writ petition. On 18.6.2019 directions were issued to the District Magistrate and Superintendent of Police to submit report as regards to complaints received to police stations under the Immoral Traffic (Prevention) Act, 1956 and issues raised in this petition. Such report was submitted to this Court. On 18.7.2019, this Court considered report submitted by the aforesaid authorities, took a note of steps undertaken as per sub-section (1) of section 18 of the PITA Act and issued further directions for installation of the CCTV cameras in the area of center places.

3. On 7.9.2019 declaration under provisions of PITA Act is made by the Government and further steps are being taken. It was confirmed that CCTV Cameras are also fixed in that area and control points are created at police station Gandhelipura. Certain photographs of the control points were brought to the notice of this Court. On perusal of the said

photographs, this Court had issued further directions to remove obstructions created in the camera views. The Authorities were directed to ensure appropriate steps under section 18 of the PITA Act in pursuance to declaration made vide notification dated 7.9.2019. On 20.1.2021 it was brought to the notice of this Court that “CCTV” cameras are non-functional and illegal activities in the concerned area still persists. Consequently, further directions were given to Municipal Council, Amalner to ensure functionality of the cameras.

4. On 29.10.2021 it was reported to this Court that Dr. V. D. Songat, Officer of District Women and Child Development Department, Jalgaon has been appointed as ‘Nodal Officer’ for submitting detail report before this Court in connection with concern raised in this writ petition. Learned APP informed this Court about various activities that have been initiated for counseling of the victims, relatives, education of their children, medical check up of the victims and supply of food kits etc.

5. An affidavit is tendered by Shri Jaipal Manikrao Hire, PSI, Police Station, Amalner dated 4.10.2021 regarding

steps taken to curb illegal activities prohibited under PITA Act, surveillance by CCTV cameras and data is available for verification. Similarly, Dr. Vanita Dilip Songat, Nodal Officer, filed her affidavit affirming that 23 'CCTV' cameras are functioning properly and tender for maintenance of those cameras have been under way as per the Resolution of the Municipal Council. Affidavit further puts on record various steps for rehabilitation of the victims under the PITA Act. The orders passed by the District Administration are placed before us indicating measures undertaken as per section 18 of the PITA Act.

6. The Division Bench of this Court in case of **Rescue Foundation, a Registered Trust under the Provisions of Bombay Trust Act Vs. Senior Police Officer (Cri WP 325 of 2017)** at Aurangabad issued directions regulating the proceedings to be conducted by the Magistrate under PITA Act and Juvenile Justice (Care & Protection) Act, 2015 referring to the various provisions contained therein. Similarly, in case of **Prerna Vs. State of Maharashtra**, reported in 2003 (2) Mh.L.J. 105, the Division of this Court issued directions so as to prevent

recurrence of the offences under the PITA Act specially in reference to the offences relating to children.

7. We are satisfied with steps taken by respondents so far and accept statement made in the affidavits as undertaking to this Court. We direct Respondents Authorities to continuously monitor the illegal activities and implement 'PITA Act' by ensuring requisite steps in furtherance to the notification dated 7.9.2019 and take further steps under section 18 of the PITA Act whenever necessary. Similarly, we expect that the Magistrate to take all steps under section 17 of the Act wherever necessary and keep monitoring recurrence of such activities in the Amalner Town.

8. We direct that the concerned police station officer shall carry out patrolling in the City, particularly, where the activities prohibited under the PITA act are persisted and take necessary measures to curb the same. The District Administration and Municipal Authorities shall take effective steps to curtail the menace of prostitution in the City area and ensure that general public does not suffer nuisance of such activities. The Magistrate shall ensure prompt action under section 18 of the Act immediately on receipt of the information

that in any house, room, place or any portion thereof is being run or used as a brothel or used by prostitutes for carrying on their trade.

9. In that view of the matter, we **dispose off** the writ petition. Pending criminal application, if any, also stand **disposed off**.

(S. G. CHAPALGAONKAR)
Judge

(SMT. VIBHA KANKANWADI)
Judge

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