



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

955 CRIMINAL WRIT PETITION NO. 1306 OF 2024

NEW CIVIL KRIDA MANDAL, TULJAPUR, THROUGH ITS PRESIDENT
PRAKASH NARAYAN FISKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr.V.P.Latange h/f.

Mr. Arvind Keshavlal Tiwari

APP for Respondents-State : Mr.A.M.Phule

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**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 07 AUGUST, 2024

PER COURT :-

1. Present petition has been filed for following prayers :

“B) The Hon’ble Court be please to issue directions through mandamus, kindly direct the respondent authorities to decide the representation dated 05.06.2024 within stipulated period.

C) This Hon’ble Court be please to issue directions through mandamus to the Respondents to allow the petitioner to function the centre which is running at Swarajay Nagar, Tuljapur, Tq.Tuljapur, Dist.Osmanabad.

D) This Hon’ble Court be please to issue directions through mandamus to the Respondents not to disturb the functioning of the petitioner trust.”

2. We have heard Mr.Latange, learned Advocate holding for Mr.Tiwari, learned Advocate for the petitioner. It appears that a representation dated 05-06-2024 has been given to Police Inspector, Tuljapur Police Station, Tuljapur and copies of the same letter are given to the Collector, Osmanabad and Superintendent of Police, Osmanabad. Perusal of the said representation shows that the Police authorities are giving threats to the members of the Club/Mandal and the members are saying that the premises of the Club is not used for gambling activities. When such representation is stated to have been made, there is no question of issuing directions much-less by a Writ of Mandamus. There cannot be restriction or prohibition to the Police Authorities from taking legal action. If the action is illegal, then the concerned person has to demonstrate it and exhaust the remedy that is available under the law.

3. Under such circumstance, none of the prayers can be granted and therefore, petition stands dismissed.

(ABHAY S. WAGHWASE)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE