



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

**CRIMINAL WRIT PETITION NO.1910 OF 2019
WITH
CRIMINAL APPLICATION NO. 162 OF 2020
IN
CRIMINAL WRIT PETITION NO.1910 OF 2019**

1. Mangalsing S/o. Sampat Gaikwad,
age 45 yrs, Occ. Labour,
R/o Nehru Nagar, Shevgaon,
Tq. Shevgaon, District. Ahmednagar.
 2. Kiran s/o Rupchand Jadhav,
age 39 yrs, Occ. Labour,
R/o Nehru Nagar, Shevgaon,
Tq. Shevgaon, Dist. Ahmednagar.
 3. Project Kalki, NGO Dedicated to
Anti Human Trafficking and Rehabilitation,
through it's Authorized Representative,
Dipesh s/o Vallabh Tank,
age 35 yrs, Occ. Business,
R/o A-277, Okhla Industrial Estate Area,
New Delhi – 110020
- 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,
Ahmednagar, District Ahmednagar.
4. The Police Station Officer,
Police Station, Ahmednagar,
Tq. Shevgaon, District Ahmednagar.

5. The Central Bureau of Investigation. **..Deleted..**

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Advocate for Petitioners : Mr. G.K.Naik-Thigale
APP for Respondents: Mr. S A Gaikwad
Advocate for Respondent 5 : Mr. S.B. Deshpande
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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 Shevgaon City seeking issuance of writ of mandamus against the Respondent Authorities to ensure that the offences and activities prohibited under the Immoral Traffic (Prevention) Act (for short "PITA" Act) are not carried out in the residential area in the Shevgaon 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 02.12.2019 this Court took cognizance of the petition and issued notices to the Respondents. On 29.10.2021 submission was made before this Court that Police Administration, Municipal Council Administration and District Administration, Ahmednagar have jointly appointed Shri B.B. Warudkar, District Women and Child Development Officer, Ahmednagar as Nodal Officer for submitting the detail report before this Court in connection with concerned writ petition. It was further pointed out that efforts have been made regarding installation and maintenance of CCTV cameras in Shivajinagar area in Shevgaon City, District Ahmednagar as well as for rehabilitation for 50 families indulging in prostitution through various schemes of Women and Child Development Department and to contain the menace of prostitution. It was also appraised that there is proper coordination between Nagar Panchayat Shevgaon, Police Department and Women and Child development Department.

3. On 10.1.2022 in pursuance of the affidavit-in-reply filed on behalf of the respondent no.1, the contentions raised in paragraph no.3 of the affidavit-in-reply that the Chief Officer of the Municipal Council Shevgaon has written to the

Nodal Officer and District Women and Child Development Officer to discuss the issue of installing cameras in Shivaji Nagar Area in the General Body meeting of the Council and General Body meeting has made available funds for installing the cameras. However, further details regarding course of action was not placed before this court.

4. The affidavit-in-reply filed on behalf of the respondent no.1 dated 25.11.2021 states that there are 40 to 50 houses engaged in prostitution in Shivaji Nagar area since long time. This area has not been notified under section 7(3) of the PITA Act by the Home Department. Therefore, the Nodal Officer took up the issue with the Municipal Council for installation of the CCTV cameras Viz Maintenance. Affidavit further states that steps have been taken for supply of grains to 39 women under Pradhanya Antyoday Scheme. Steps have been taken for rehabilitation of women by organizing camp. Even, benefit of schemes like Sajay Gandhi and Indira Gandhi has been resorted as per eligibility. All such sex workers are provided Rs.5,000/- for three months and their children were provided Rs.2,500/- for education during the pandemic period. Affidavit provides for further information as regards to various

steps taken by the Nodal Officer. The another affidavit in reply dated 4.9.2022 filed by the Nodal Officer states that efforts are made to stop illegal activities of Prostitution and daily patrolling in the area is initiated by the police. Ten cases under the provisions of PITA act have been registered. Women, who were engaged in the prostitution have been included in the scheme of Mahila Arthik Vikas Mahamandal namely Sneha and Disha. They have been made members of two Bachat Guts and their accounts are opened in the Banks. The training of skill development particularly tailoring work is being provided. Assurance was given to this Court that CCTV footage would be installed and made functional till 31.3.2022.

5. Affidavit-in-reply dated 15.3.2022 filed on behalf of respondent no.3 Mr. B.B. Nandurkar, police inspector Anti-Human Trafficking Cell, Ahmednagar put information regarding the cases registered against the Sex Workers and residing at Shivaji Nagar area Shevgaon city during the period from 2011 to 2021 and action for externment against persons who are engaged in abetment of the prostitution. It also refers to rehabilitation of the sex workers.

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 and 18 of the Act wherever necessary and keep monitoring recurrence of such activities in the Shevgaon City.

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 stands **disposed off**.

(S. G. CHAPALGAONKAR)
Judge

(SMT. VIBHA KANKANWADI)
Judge

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