

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

CRIMINAL WRIT PETITION NO. 172 OF 2024

Shree Kshatriya Ghamchi Samaj, Pune
Through Special Committee formed by
the Trust Utsav Samiti ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Yogesh Naidu a/w Mr. Sajal Yadav, Ms. Aayushya Geruja,
Mr. Raj Ravi, Mr. Harsh Ghangurde, and Mr. S. K. Saxena i/b
Mr. Anukul Seth for the Petitioner

Mr. V. B. Konde Deshmukh, Addl.PP for the Respondent Nos.1
and 2-State

None for the Respondent Nos. 3 to 13

PSI Mr. S D. Naik Nimbalkar from Wakad Police Station, is
present

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
WEDNESDAY, 24th JANUARY 2024**

P.C :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner seeks several reliefs, however only presses for prayer clauses (e) and (f), which read thus :

“(e) that this Hon'ble Court be pleased to issue Writ of Mandamus to give full police protection so there is no further disruption of the notified Programme i.e. "Pran Pratishtha" that commenced on 21.01.2024 and ends 26.01.2024.

(f) That pending the hearing and final disposal of this petition this Hon'ble Court be pleased to allow the Petitioners to carry on and to continue and/or hold the scheduled Pran Pratishthan programme of trust temple which is to be held on between 21.1.2024 to 25.1.2024 under the supervision and control of the committee known as 'Shree Charbhujia "Vishnu Dham" Utsav Samiti duly appointed by the existing Managing Committee members comprising of the Petitioners.”

3 Learned counsel for the petitioner submits that the petitioner is a Public Trust, duly registered. He submits that the Trust has constituted a Special Committee by the name 'Shree Charbhujia "Vishnu Dham" Utsav Samiti to organize and execute the installation and consecration ceremonies (Pran Pratishtha Mohatsav) which commenced on 21st January 2024 and which is

going to be concluded on 25th January 2024, after which, the doors of the said temple will be opened on 26th January 2024.

4 Learned counsel for the petitioner submits that the existing committee (duly elected on 7th April 2023) and many of the members of the Trust are involved in organizing and executing the ceremony. He submits that there are two groups in the said Trust, pursuant to which, there are litigations between the said groups and that the proceedings are pending before the Assistant Charity Commissioner as well as this Court.

5 Learned counsel for the petitioner relied on the order passed by this Court (Coram : G. S. Kulkarni and Firdosh P. Pooniwalla, JJ.) in Writ Petition No. 641/2024. It is submitted that the order impugned in the said petition was an order passed by the Assistant Charity Commissioner-IV, Pune, dated 18th January 2024, purportedly, on an application filed under Section 41-A of the Maharashtra Public Trust Act 1950, by which, the

Assistant Charity Commissioner appointed Advocate Shri Naidu as an election officer, with a direction that such election officer shall hold elections as per the rules and regulations of the trust in a transparent manner. The election officer was directed to submit his report within a period of two months. According to the learned counsel for the petitioner, the Assistant Charity Commissioner lacked jurisdiction under Section 41-A to pass any such order and hence, the same was challenged in the aforesaid petition i.e. Writ Petition No. 641/2024. This Court in its order dated 15th January 2024, has in para 5 observed as under :

“5. It is stated by Mr. Thorat that the elections were hurriedly held today. He seeks an ad-interim protection. If that be so, till the respondents are heard on the petition, the result of the elections be not declared and / or if in any manner it is declared, it ought not to be given any effect. Ordered accordingly.”

6 Learned counsel for the petitioner submits that when the Pran Pratishtha Programme commenced on 21st January 2024, the other group started creating hurdles and entered the temple and obstructed the programme which was on. Learned

counsel for the petitioner submits that the said action/acts of the miscreants is duly recorded in mobile footage, which has already been handed over to the police by the petitioner.

7 Learned counsel for the petitioner submits that it is the duty of the police to provide full police protection and to ensure that no obstruction takes place.

8 Since, this is the only relief pressed for by the learned counsel for the petitioner, learned Addl. P.P. was directed to take instructions. Pursuant thereto, learned Addl. P.P. has taken instructions from DCP Mr. Bapu Bangar, Zone-2 of the Pimpri-Chinchwad Commissionerate. The PSI Shantanu Naik Nimbalkar is also present in Court. Learned Addl. P.P, on instructions of the DCP and the PSI states that appropriate steps will be taken to maintain law and order during the programme i.e. being held by the petitioner. Statement accepted.

9 In view of the aforesaid direction, learned counsel for the petitioner does not press for any other prayer.

10 Considering the aforesaid, petition stands disposed of with the aforesaid directions.

11 All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J. REVATI MOHITE DERE, J.