

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.758 OF 2024

Smt. Pushpa w/o Sanjay Gupta and anr.

..VS..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Mardikar, Senior Advocate a/b Shri V.R. Deshapande,
Advocate for the petitioners.
Shri Badar, Addl.P.P. for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATE : 24/09/2024.

Heard.

2. The petitioners have made some unusual prayer seeking directions to the respondent no.1 Police to issue a prior notice in case of report/complaint is lodged by the respondent nos.5 to 11 pertaining to the land transaction. Besides that some other reliefs of police protection has been sought.

3. It is the case of the petitioners that they are the owner of the certain piece of land. Respondent nos. 5 to 11 are the encroachers, who have initially threatened to file a police report for preventing the petitioners from taking the possession. The petitioners have earlier filed Writ Petition No.403/2019 claiming similar relief in which interim protection was granted, which reads as below :

“(iv) By way of an interim relief, direct the Respondent No.1 to give a 72 hours notice to the petitioners before registering an offence on the basis of complaint, if any, filed by Respondents No.3 to 6 or their relatives, agents or representatives

against the petitioners.”

4. Later on, the said petition was withdrawn as the civil litigation was pending between the parties.

5. The learned Counsel for the petitioners would submit that after disposal of earlier petition, the civil dispute attained finality in which respondent nos.5 to 11 were held to be rank trespasser. In this background, the petitioners again apprehends that as and when they used to take possession on account of their title, however respondent nos. 5 to 11 are prone to file false complaints. They are also not allowing the Government Agencies to enter and assist the petitioners in taking possession.

6. Learned Addl.P.P. has objected on the count of maintainability. The said aspect will be decided after hearing both sides.

7. Issue notice to the respondents, returnable after six weeks. The learned Addl.P.P. waives notice on behalf of the State.

8. In view of above, following interim order is passed :

(i) We direct the respondent no.1 to give a 72 hours prior notice to the petitioners before taking any action or any sort of coercive steps against the petitioners, in case of lodging a report by respondent nos.5 to 11 in respect of landed property.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)