



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

CRIMINAL WRIT PETITION NO. 852 OF 2024

Chandrashekhar Dashrat Kurjekar,
Aged about 72 yrs, Occ. Veltur,
Tq. Kuhi, Dist Nagpur.
Manager of “U & ME” Lodge and
Restaurant Mendha, Tq. Kuhi
Dist. Nagpur

..... **PETITIONER**

...V E R S U S...

1. State of Maharashtra
through Sub-Divisional Officer,
Umred.

2. Police Inspector,
Police Station Weltur, Nagpur (Gramin)
District Nagpur

.....**RESPONDENTS**

Mr. Abhay Sambre, Advocate for applicant.
Mr. A.M. Ghogare, APP for respondent Nos. 1 and 2/State.

CORAM:- VINAY JOSHI & ABHAY J. MANTRI, JJ.
DATE : 24.10.2024

JUDGMENT (Per : Vinay Joshi, J.)

Rule. Rule made returnable forthwith. Heard finally by
consent of learned Counsel for the parties.

2. The petitioner is serving as a Manager in a lodging house
namely “U & ME” lodge and Restaurant, situated at Mouza Mendha,
Tal. Kuhi, District Nagpur.

3. On secrete information, police have conducted raid at the lodging house on 17.7.2024 on which crime has been registered for various offences under the provisions of the Immortal Traffic (Prevention) Act, 1956 ("PITA"). The Sub-Divisional Officer has issued show cause notice dated 25.7.2024 to the petitioner in terms of Section 18 of the PITA seeking explanation within stipulated period regarding use of the place as brothel. In pursuance of show cause notice, petitioner has replied the same on 29.7.2024. Precisely it is petitioner's contention that it is an isolated occurrence as till date, no raid was conducted against alleged lodging house. The petitioner gave entry to a girl only after verifying her Aadhar Card and thus, the petitioner was not aware nor indulged into prostitution activities. After considering the notice and reply by the petitioner, vide impugned order dated 27.9.2024, the Sub Divisional Officer has closed the lodging house for a period of one year.

4. The petitioner's learned Counsel would submit that there was proper justification for giving entry to a girl, however, it was not considered. It is argued that the impugned order is bereft of reasons about satisfaction of the authority about the allegations leveled. Particularly, it is argued that the provisions under Section

18 of PITA cannot be invoked for two reasons. Firstly absence of power to the authority to pass an order of closure and secondly, there is no material to show that the lodging house was within 200 meters from any public place referred to in Sub-section (1) of Section 7 of the PITA i.e. the religious place, school, college etc.

5. Learned APP fairly concedes that there is no material to show that the lodging house fall in the specified area as contemplated under Section 18 of PITA and more particularly, he conceded that Section 18 does not empower the authority to close the lodging house. In the circumstances, impugned order is not sustainable in the eyes of law, hence, following order:

- i) The application is allowed.
- ii) We hereby quash and set aside the impugned order dated 27.9.2024 passed by Sub Divisional Officer, Umarkhed.
- iii) We clarify that the authority is at liberty to take necessary steps as permissible in law.

6. Petition stands disposed of accordingly.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)

R. Belkhede,
Personal Assistant