



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1302 OF 2025

Sunil Prithviraj Lodha

VERSUS

The State Of Maharashtra And Another

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Advocate for the Petitioner : Mr. S. S. Chapalgaonkar

APP for Respondents-State : Mr. D. J. Patil

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CORAM : SACHIN S. DESHMUKH, J.

Date : 16th September, 2025

ORDER :-

1. The petitioner has challenged the order dated 11.08.2025, rendered by the Sub-Divisional Officer, sealing the lodge for one year under Section 18(1) of the Immoral Traffic (Prevention) Act, 1956 (hereinafter "the Act of 1956" for short).

2. Pursuant to the agreement executed on 09.02.2023, the petitioner inducted licensee to operate the premises. On account of illegal activities conducted in this premises, Crime No. 324 of 2023 came to be registered under Section 3, 4, 5, 7 and 8 of the Act of 1956.

3. Owing to registration of aforesaid offences, the petitioner served with a show cause notice on 24.04.2025, seeking explanation as to why the premises should not be sealed invoking powers under Section 18 of the Act of 1956. The petitioner

responded to the notice. The Authority taking into account the registration of crime in relation to the activities forbidden and prohibited under the Act of 1956, has passed the order initiating action of sealing of premises under challenge.

4. It is the contention of the learned counsel for the petitioner that the delegation of the power at the instance of Additional Collector is impermissible. It is further contention of the learned counsel for the petitioner that the explanation offered by the petitioner was not taken into account by the Authority while passing the order under challenge.

5. The learned APP has supports the order under challenge and prayed for dismissal of the petition.

6. Having considered the rival contentions and the perusal of the record, indicates that the registration of offence unequivocally establishes the infraction of statutory provisions under the Act of 1956. The show cause notice further makes it abundantly clear that the act which is prohibited under the Act of 1956 have taken place in the premises in relation to which the Crime No. 324 of 2025 is registered. The applicant / petitioner is owner of the premises, as such, doesn't get absolved from the liability from the commission of the offence.

7. As regards, the contention in respect of the delegation of powers, the Sub Divisional Officer is a designated Authority even under Schedule under Section 2(c) of the Act of 1956. Therefore, the contention in relation to the improper delegation doesn't warrant any consideration.

8. Furthermore, perusal of Section 18 of the Act of 1956 reveals that any act of a person who is owner, lessor or landlord of such house, room, place or portion or the agent of the owner, lessor or landlord or on the tenant, lessee, occupier of, or any other person in charge of such house, room, place, or portion for infraction of the activities forbidden by virtue of operation of the Act of 1956 entails the action. The registration of crime under Sections 3, 4, 5, 7 and 8 of the Act of 1956 sufficiently establishes the infraction. As such, no further consideration by this Court is warranted. The Authorities have rightly exercised the powers in accordance with the provisions of law.

9. Resultantly, no error could be noted in the order under challenge rendered by the competent Authority. As such, the petition sans merit. Accordingly, the same stands **dismissed**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi