



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

145 CRIMINAL PUBLIC INTEREST LITIGATION (STAMP) NO.9766 OF 2025

Sayyad Shahabaz Amar,
Age 33 yrs., Occ. Agri. & Social Work,
R/o Near Renuka Mata Mandir, Patoda,
Tq. Patoda, Dist. Beed.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
Through its Additional Secretary,
Home Department, Mantralaya,
Mumbai.
- 2 The State of Maharashtra
Through it's Secretary,
Urban Development Department,
Mantralaya, Mumbai.
- 3 The Director General,
Anti Corruption Bureau, M.S.
Sir Puchkhanwal Road, Worli,
Mumbai.
- 4 The Superintendent of Police,
Anti Corruption Bureau,
Aurangabad Region, Aurangabad.
- 5 Deputy Superintendent of Police,
Anti Corruption Bureau,
Division Mumbai.
- 6 The District Collector,
Beed.
- 7 The Superintendent of Police,
Beed, Tq. & Dist. Beed.

- 8 The Police Inspector,
Police Station, Patoda,
Tq. Patoda, Dist. Beed.
- 9 The Commissioner and Directorate
of Municipal Corporation,
Directorate, Worli, Mumbai.
- 10 The Chief Officer,
Nagar Panchayat, Patoda,
Tq. Patoda, Dist. Beed.
- 11 The Tahsildar, Patoda,
Tq. Patoda, Dist. Beed.
- 12 The Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai – 32.

... Respondents

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Mr. M.S. Bhosale, Advocate for petitioner
Mr. A.B. Girase, PP for State

...

WITH
CRIMINAL APPLICATION NO.3980 OF 2025 IN CRPILST/9766/2025

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 18th DECEMBER, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

. Heard learned Advocate for petitioner. Present Public Interest

Litigation has been filed for following reliefs :

“(C) The Respondents Chief Officer, Nagar Panchayat, Patoda, Tahsildar, Patoda, The Superintendent of Police, Beed be directed to register crime against the concerned persons, in view of letter dated 13.05.2025 submitted by the Chief Officer, Nagar Panchayat, Beed namely Ms. Neeta Andhare and in view of the detail complaint dated 20.05.2025 submitted by petitioner, within a period of one week.

(D) The respondents Chief Officer, Nagar Panchayat, Patoda, Tahsildar, Patoda and Collector, Beed are directed to recover the Gairan Land / Government Land situated adjacent to Sy.No.329, sold by the beneficiaries by making encroachment over it.

(E) The Joint Sub-Registrar, Grade-I, Patoda and concerned authorities may kindly be directed to cancel all sale deeds executed on the basis of NA permission obtained for Sy.No.328 by issuing fabricated documents.

(F) The respondents Chief Officer, Nagar Panchayat, Patoda, Tahsildar, Patoda and Collector, Beed are directed to stop any development other than agricultural development going on the Sy.No.328, which is in Green Zone.”

2 It is stated that the complaint was made to the appropriate authority on 13.05.2025 as well as detail complaint on 20.05.2025, however, no cognizance has been taken.

3 We would like to rely on the decision in *Sakiri Vasu Vs. State of Uttar Pradesh and others, 2008 (2) SCC 409*, wherein it has been observed that -

“25. we have elaborated on the above matter because we often find that when someone has a grievance that the First Information Report has not been registered at a police station and/or an appropriate investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.P.C. We are of the opinion that High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alternating remedy, firstly under Section 154(3) and Section 36 Cr.P.C. before the concerned police officers and if that is of no avail, by approaching a Magistrate concerned under Section 156(3).

26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies ?”

4 A decision in **Sakiri Vasu** (supra) was then relied in case of **T.C. Thangaraj vs. V. Engammal & others** [2011 (12) SCC 328], **Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others** [2016 (6) SCC 227] and **M. Subramaniam and others vs. S. Janaki** [2020 (16) SCC 728]. Therefore, in view of the specific observations by the Hon'ble Supreme Court, we do not take this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India, however, the petitioner has remedy to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure and we adopt the same view as was adopted in case of **M. Subramaniam** (supra) and grant liberty to the petitioner to approach learned Magistrate of competent jurisdiction under Section 156(3) of the Code of Criminal Procedure. If such application is made, then the concerned Magistrate to decide it on its own merits.

5 With these observations, Criminal Public Interest Litigation stands disposed of.

6 Pending application stands disposed of.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)