



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CRIMINAL WRIT PETITION NO. 590 OF 2024

PRAKASH KAVADARAM MANJANI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Praveen B. Gamot – Advocate for Petitioner

Mr. S.N. Morampalle – APP for Respondents, State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 25.11.2025

PER COURT :

1. The petitioner has challenged the order dated 04.11.2023 passed in Criminal Revision Application No.90/2023 by the Additional Sessions Judge, Bhusawal, whereby the Revision Application preferred by the petitioner.

2. Respondent No.2, being the owner of the Municipal House No.353 situated at Bhusawal, filed an application under Section 133 of the Code of Criminal Procedure before the learned Sub-Divisional Magistrate, Bhusawal. It was contended that a part of the said premises become old and was in a dilapidated condition, likely to collapse, thereby causing public nuisance and danger to the public.

3. Resultantly, the learned Magistrate after considering the material

on record, allowed the application and directed removal of the said structure in order to prevent public nuisance. Aggrieved by the same, the petitioner had preferred a Criminal Revision Application under Section 397 of Code of Criminal Procedure before the Sessions Court, Bhusawal.

4. The learned Additional Sessions Judge, after considering the rival submissions and documents placed on record by the parties, dismissed the Revision Application. Aggrieved by the same, the petitioner has approached this Court by invoking Article 227 of the Constitution of India.

5. Heard learned Counsel for the petitioner and learned A.P.P. for the respondents, State and perused the record.

6. Learned Counsel for the petitioner submits that Regular Civil Suit No.71/1997 was instituted by respondent No.2 against the petitioner seeking eviction, possession and mesne profits. It is further submitted that during the pendency of the appeal arising from the said suit, the parties entered into compromise by executing a mutual consent deed.

7. According to the petitioner, the proceedings initiated under Section 133 of the Code of Criminal Procedure has been used by respondent No.2 to achieve personal motive i.e. to wrongfully evict the petitioner from the suit premises. It is, therefore, contended that the revisional Court failed to appreciate this aspect, therefore, prayed to allow the petition.

8. Admittedly, the suit premises and the structure standing thereon is more than 80 years old. In such circumstances, continuance of the said structure in dilapidated condition would certain cause public nuisance and injury to passerby/general public. Therefore, the contention raised by the petitioner that respondent No.2 has abused the process of law to evict the petitioner deserves no consideration.

9. The provisions of Section 133 of Code of Criminal Procedure explicitly confer power upon the learned Magistrate to pass appropriate orders for the prevention or removal of any structure or object likely to cause danger to the public or result in public nuisance. Resultantly, the learned Sub-Divisional Magistrate has rightly exercised the discretion, in accordance with law, so as to achieve the object under relevant statutory provision.

10. As such, no error is noted in the well reasoned order rendered by the Additional Sessions Judge, Bhusawal. No case is made out to warrant interference under Article 227 of the Constitution of India. Hence, the Writ Petition stands dismissed.

[SACHIN S. DESHMUKH]
JUDGE