

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3644 OF 2025

Chandravati Vasudev Acharya And Anr	...Petitioners
Versus	
State Of Maharashtra And Ors	...Respondents

Adv. Medha Jondhale, Adv. Rajnandini Jondhale i/b Anand Jondhale, Adv. Harshvardhan Shine, for the Petitioner.

Ms. P.J. Gavhane, AGP for Respondent-State.

Mr. Ketan Chothani a/w Mr. Akshay Vani and Mr. Aditya Manjrekar i/b MLS Vani & Associates for Respondent Nos. 5, 6 and 7.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 25 MARCH 2025

P.C.:

1. We have heard learned counsel for the parties for sometime.
2. In our prima facie opinion by this petition a grievance of the two women petitioners is of a total lawlessness being brought about at the hands of respondent nos. 5 to 7. There are multiple allegations as made in the petition. There are several proceedings however, in so far as the jurisdiction of this Court under Article 226 of the Constitution of India being invoked, the concern of the court is in regard to the protection of the fundamental right guaranteed to the petitioners. They are complaining of severe harassment at the hand of the private respondents i.e. respondent nos. 5 to 7. There is a grievance that their legitimate and legal access to their shop premises is also blocked by respondent nos. 5 to 7.

3. We also see from the petition that already there are proceedings between the parties. The contention as urged on behalf of the petitioners is that they are dragged into unwarranted litigation and harassment. It is also their grievance that the police is not taking cognizance of that complaints as made by the petitioners as also a threat to their life at the hands of respondent nos. 5 to 7.

4. In this view of the matter, petitioners contend that they are constrained to invoke the jurisdiction of this court on several contentions and more particularly, as set out in para 9 of the petition which are of violation of the fundamental rights with the gender specific economic hardship, the safety and security concerned violation of the rights under the planning rules by respondent nos. 5 to 7 and the nuisance and infringement of public right also that the livelihood of the petitioners being affected by such actions etc.

5. Considering the seriousness of the proceedings, we are of the opinion that a clear independent and an unbiased report of the factual situation is required to be placed before the court. We accordingly direct an independent officer of the adjoining district, namely, the Additional Collector, Thane to make an enquiry in regard to the contentions of the petitioners as raised in the petition and make a clear report to the Court. Also considering the allegations which are made and the clout which respondent nos. 5 to 7 are alleged to be exercising, we direct that such inquiry be monitored and confirmed by the participation of a independent judicial officer which be nominated by the Learned Principal District Judge, Thane.

6. The report which would be submitted before the Court should be vetted and certified by the learned Judicial Officer who would be accordingly nominated. The Learned Judicial Officer is permitted to accompany the Collector Thane on a non court working day.

7. We have requested the Learned Principal District Judge, Thane to depute a judicial officer on account of the fact that considering the preservation and maintenance of the Rule of Law in the area in question, we desire an independent report, as it is likely that the parties have proceedings before the Courts in the Raigad District and therefore such proceedings ought not to be influenced by any judicial officer in his judicial dispensation. Let such report be placed on record within a period of three weeks from today.

8. Necessary Statement of the concerned be also recorded to arrive at such independent conclusions.

9. In so far as the allegations of the petitioners in regard to the safety is concerned, we direct the Superintendent of Police, Dist. Raigad to issue appropriate directions to the concerned police station so that the personal safety of the petitioners and more particularly as alleged in the petition being threatened by respondent no. 5, 6 and 7 is safeguarded.

10. All contentions of the parties are expressly kept open.

10A. Writ petition No. 5782 of 2017 be tagged along with this Writ Petition.

11. Stand over to **15 April 2025 'High on Board'**.

12. The parties to act on authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]