

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 5283 OF 2025**

Ali Asgar Mohammed Tahsildar

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr. Siddharth Jagushte for the Petitioner.Mr. Amit A. Palkar, APP for the Respondent-State.

CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE , JJ.
DATED : 18th NOVEMBER, 2025.

P. C. :-

1) By this Petition under Article 226 of the Constitution of India, Petitioner has impugned Show Cause Notice dated 30th June, 2025 issued by Respondent No.2 under Section 59 of the Maharashtra Police Act. The Show Cause Notice itself provides for remedy to the Petitioner for filing reply and to appear before the concerned Authority to plead his case. The said fact is pointed out to the learned Advocate for the Petitioner, however, he insisted this Court to hear the matter on merits.

1.1) Learned Advocate for the Petitioner submitted that, the Petitioner has already filed reply to the said notice, however, hearing on the said notice is not yet concluded in the last about five months. As the

Petitioner has already availed alternate remedy available under the law and as mentioned in the notice, according to us present Petition does not survive. Reliance is placed on the decision of Hon'ble Supreme Court in the case of *BMRDA, Bombay Vs. Gokak Patel Volkart Ltd., Gokak & Ors., reported in 1995 1 SCC 642* and in particular paragraph No.13 thereof.

2) Despite the aforesaid facts that, learned Advocate for the Petitioner insisted this Court to hear the Petition on merits.

Learned Advocate for the Petitioner submitted that, the impugned notice is bad in law as it takes into consideration offences between the years 2012 and 2024. He submitted that, in some of the cases, this Court has shown indulgence in granting relief of quashing Show Cause Notice. He relied on the decision of the co-ordinate Bench of this Court at Aurangabad, in the case of *Ganesh Maroti Bore Vs. The State of Maharashtra, in Criminal Writ Petition No. 154 of 2025*. A perusal of the said Judgment, *prima-facie*, indicates that, the law relating to availability of alternate statutory remedy, as has been enunciated by the Hon'ble Supreme Court in a catena of decisions and in particular, in the case of *Thansingh Nathmal & Ors. Vs. Superintendent of Taxes, reported in AIR 1964 SC 1419* and subsequent decisions following the said ratio has not been considered therein. The decision of the co-ordinate Bench of this Court at Aurangabad in the case of *Ganesh Maroti Bore* (supra), therefore,

has no binding effect.

3) With the assistance of the learned Advocate for Petitioner, we have perused the said Show Cause Notice. A bare perusal of the Show Cause Notice clearly indicates that, the Petitioner is a habitual offender and has propensity towards committing offences intermittently. The Competent Authority under the Maharashtra Police Act therefore has come to the conclusion that, there are reasonable grounds for believing that, the Petitioner is engaged or about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter 12 and/or 17 of the Indian Penal Code and therefore has issued the impugned Notice to him. According to us, there is no legal error or infirmity in the impugned Notice and the Competent Authority has rightly issued the said Notice to the Petitioner.

3.1) In view thereof, we find no merits in the Petition.

The Petition is accordingly dismissed.

(RANJITSINHA RAJA BHONSALE, J.)

(A. S. GADKARI, J.)