IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1427 OF 2023

RAJENDRA S/O RAMCHANDRA INDRALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. Avinash N. Irpatgire, Advocate for the Petitioner
Mr. G. A. Kulkarni, APP for the Respondents-State

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CORAM : SANDIPKUMAR C. MORE &
VAISHALI PATIL-JADHAV, JJ.

RESERVED ON : 09/10/2026
PRONOUNCED ON : 13/10/2026

PER COURT : (PER : SANDIPKUMAR C. MORE, J.) :

1. **Rule**. Rule made returnable forthwith. Heard finally at the admission stage with the consent of the learned counsel for the petitioner as well as the learned APP for the respondent–State.

2. Under this petition the petitioner has claimed following reliefs:

> "B. The impugned notice dated 09/12/2020 and 22/08/2023 issued under the Prevention of Corruption act, 1988 may kindly be quashed and set aside by issuing writ of certiorari or any other appropriate writ in the nature of writ of certiorari;
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> *C. The respondent NO.4 may kindly be directed to drop the proceedings initiated under the Prevention*

of Corruption act, 1988 against the petitioner by issuing writ of mandamus or any other appropriate writ in the nature of writ of mandamus.

3. Learned counsel for the petitioner submits that respondent No.4 has issued notices calling upon the petitioner to remain present before him and explain his alleged acquisition of assets disproportionate to his known sources of income. Learned counsel further submits that the petitioner is presently acting as a trustee of a trust and therefore, does not fall within the definition of a public servant. The petitioner had served as a Corporator during the period from 2012 to 2017 and his daughter is presently serving as a Corporator. On these grounds, learned counsel for the petitioner submits that the impugned notices are illegal and needs to be dropped.

4. Per contra, the learned APP strongly opposes the submissions made on behalf of the petitioner. He points out that the impugned notices are merely show-cause notices and that several notices had previously been issued to the petitioner pursuant to a complaint lodged against him. Based on the said complaint, the Anti-Corruption Bureau, Mumbai, had directed respondent No. 4 to

conduct an enquiry into the petitioner's assets. The learned APP further submits that under the provisions of the Prevention of Corruption Act, it is not mandatory to issue a notice before initiating criminal prosecution against a person in respect of the acquisition of disproportionate assets. However, by issuing the impugned notices, the petitioner is being given an opportunity to explain the allegations levelled against him.

5. Admittedly, the record reveals that the Anti-Corruption Bureau, Mumbai, received a complaint against the petitioner, pursuant to which it was decided to conduct an enquiry into his assets. The notice dated 09/12/2020 clearly indicates that notices had previously been issued to the petitioner, calling upon him to submit his explanation regarding the complaint. However, by his reply dated 23/11/2020, the petitioner contended that he was not a public servant at the relevant time and therefore, no enquiry could be initiated against him.

6. The principal ground on which the petitioner challenges the impugned notices appears to be that a copy of the complaint was not served upon him and consequently, he was unable to submit his

explanation. The petitioner contends that he was not avoiding the enquiry and on the contrary, was willing to cooperate with the same. If that was the petitioner's stand at the relevant time, there is no reason why he should not appear before respondent No. 4 and submit his explanation.

7. It is pertinent to note that the impugned notices are merely show-cause notices. If the petitioner claims that he has not acquired disproportionate assets to his known sources of income, there is no reason for him to challenge the issuance of such notices. The petitioner cannot, as a matter of right, seek the withdrawal of the said notices or restrain respondent No. 4 from taking any action in accordance with law pursuant thereto.

8. It is further pertinent to note that respondent No. 4 is proceeding in accordance with the prescribed legal procedure and is required to seek an explanation from the petitioner pursuant to the directions issued by the Anti-Corruption Bureau, Mumbai. It is a settled position of law that no person can seek to restrain a lawful authority from following the procedure prescribed by law.

9. In view of the foregoing discussion and upon consideration of all the relevant aspects, we find no merit in the petition. Accordingly, the petition stands dismissed.

10. Rule stands discharged.

[VAISHALI PATIL-JADHAV]
JUDGE

[SANDIPKUMAR C. MORE]
JUDGE