IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 3399 OF 2026

Ashok Kachru Bhavale ...Petitioner

VERSUS

The State of Maharashtra & others .....Respondents

Mr. S. G. Munde, Advocate for the Petitioner.
Mr. S. B. Pulkundwar, AGP for the State.

CORAM : SMT VIBHA KANKANWADI
& AJIT B. KADETHANKAR, JJ.
DATE : 22nd APRIL, 2026.

PER COURT :

1. Present petition has been filed for the following reliefs :-

A) Issue writ of mandamus, or any other writ, order or direction in the nature writ of mandamus,directing Respondents to immediately install a protective compound wall and CCTV cameras in the premises of the statue of Rajmata Punyashlok Ahilyadevi Holkar in village Gokulwadi, and for that purpose issue necessary orders.

B) Issue writ of mandamus, or any other writ, order or direction in the nature writ of mandamus, directing Respondent Nos. 4 & 5 (Superintendent of Police and Police Inspector) to take strict action against illegal liquor trade in the village Gokulwadi, and conduct raids, register offences under the Prohibition Act, and file periodical

reports before this Hon'ble Court and for that purpose issue necessary orders.

2. We have heard learned Advocate for the Petitioner and learned AGP for Respondent Nos. 1 to 5. As regards prayer clause 'B', learned AGP submits that if the Petitioner is of the opinion that the activity of selling illicit liquor is going on near the place of statue of Punyashlok Ahilyabai Holkar, then the Petitioner can file a report with the concerned Police Station. As regards prayer clause 'A', he submits that sufficient conditions were imposed while allowing the Gram Pachayat to erect the statue vide order dated 07.07.2023.

3. Learned Advocate for the Petitioner vehemently submits that the Gram Panchayat in order to erect the statue had made an application in view of the Government Resolution dated 02.05.2017. In the said Government Resolution, various stipulations have been stipulated. Clause 11 states "पुतळयाची देखभाल, मांगल्य, पावित्र्य राखण्याची जबाबदारी स्वीकारत असल्याचे करारपत्र पुतळा उभारणाऱ्या संस्थेकडून घेण्यात यावे." Accordingly, the Gram Panchayat had given such undertaking with its proposal. Copy of the same has been produced on record. Now, the position as it stands that the statue

came to be erected however, there is one illegal liquor shop nearby to the statue as a result of which, anti-social elements as well as drunkards are using the platform on which the statue is erected thereby hurting the sentiments of the followers of Punyashlok Ahilyabai Holkar. Therefore, it is necessary to install CCTV camera as well as protect the statue by a compound wall. He submits copies of the tax paid by the Petitioner in respect of his house to the Gram Panchayat and submits that the Gram Panchayat has sufficient amount as the taxes are paid by the persons/residents like him and from the said amount the work can be done.

4. We presume that the statue committee which has been established as per the Government Resolution dated 02.05.2017 had taken into consideration all the factors and guidelines those were laid down under the Government Resolution as well as by the Hon'ble Supreme Court in SlP No. 3516/2006 and Writ Petition No. 314/2010. The order dated 07.07.2023 granting permission by the committee has been produced wherein there is absolutely no condition that in order to protect the statue, CCTV camera or/and compound wall should be erected. We presume that along with the application, a sketch of the place where the statue was supposed to

be erected would have been submitted. The important point to be noted from the documents which have been produced on record is that when the report from Superintendent of Police, Aurangabad (Rural) was called, then vide letter dated 01.09.2022, the police expected that apart from the platform the Gram Panchayat should close the area with iron railing and CCTV cameras to be installed as well as some watchman should be appointed. On these conditions, the police department had given no objection for erection of the said statue. However, when ultimately the committee granted permission by letter dated 07.07.2023, the terms did not contain clause regarding CCTV cameras to be installed and also the railing. The photographs on record show that the railing has been raised. Now, if there is deviation, then the Petitioner should approach the appropriate authority.

5. The Petitioner has also raised a problem that may occur in future regarding mutilation or some damage that may be caused to the statue by anti-social elements. Here, at this stage, we cannot be certain about such situation. Of course, the duty is cast on the Gram Panchayat to take requisite precautions.

6. When the Hon'ble Supreme Court had given guidelines regarding erection of the statue of the persons of National importance or persons important and respected in the State, then certainly, the duty is cast on all and not only on the institution who erect such statue to maintain the honour of such person. Of course, we are also of the opinion that the people should prefer to follow the thoughts, ideas and the principles followed by such great humanity. Erecting statues but thereafter leaving them unattended or not taking care of their maintenance is absolutely not expected. However, in the present case now, the Petitioner on some assumptive facts wants this Court to exercise its powers which is not permissible. Further, as regards the running of illicit liquor shop, the Petitioner is always free to lodge a report with the concerned Police Station and the police are duty bound to take action as contemplated under the law. In such circumstances, we are of the opinion that no case is made out for exercise of powers under Article 226 of the Constitution of India for granting reliefs as prayed for. In the result, the petition stands dismissed.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

dyb