



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14770 OF 2025

Sahebrao Waman Akhade

.. Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai-32.
2. The Superintendent of Police, Ahilyanagar.
3. The Police Inspector,
Sonai Police Station.
4. Kachru Rangnath Tawar
5. Balasaheb Kachru Tawar
6. Meena Kachru Tawar

.. Respondents

...

Mr. Zafar M. Pathan, Advocate for the petitioner.
Mr. S. B. Narwade, AGP for respondent Nos.1 to 3/State.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 20 JANUARY 2026

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present petition has been filed for directing respondent Nos.2 and 3 to grant police aid to the present petitioner as per the order passed by learned Civil Judge Junior Division, Newasa in Regular Darkhast No.44 of

2024 below Exhibit-05 dated 19.11.2024.

2. The petitioner submits that he had filed Regular Civil Suit No.163 of 2003 before learned Civil Judge Junior Division, Newasa against respondent Nos.4 to 6 and one deceased Sushila Kachru Tawar for perpetual injunction in respect of property Gut No.606/3 situated at Maka, Taluka Newasa, District Ahmednagar. The petitioner had also filed Regular Civil Suit No.553 of 2023 against one Sachin Tukaram Nikam and respondent No.4 for relief of declaration and perpetual injunction and it is pending for hearing before the same Court. Regular Civil Suit No.163 of 2003 was decreed on 27.01.2009 and thereafter, petitioner filed Regular Darkhast No.44 of 2024 for execution. The petitioner filed an application Exhibit-05 contending that despite the order of perpetual injunction the judgment debtors are obstructing the possession and cultivation of the petitioner over the property and, therefore, prayed for grant of police aid. The petitioner also filed an application before the Superintendent of Police, Ahilyanagar with similar relief. As per order dated 19.11.2024 passed by learned Civil Judge Junior Division and Judicial Magistrate First Class, Newasa, the petitioner was ready to pay the requisite fees/charges. Despite the application/representation given to respondent No.2 and despite there being order passed below Exhibit-05 dated 19.11.2024, the respondents have failed to grant police

aid to the petitioner. Hence, the present petition.

3. We have heard the learned Advocate for the petitioner and perused the documents on record. After the Regular Darkhast No.44 of 2024 has been filed, there appears to be order dated 19.11.2024 for grant of police aid, but it was upon payment of necessary charges. Now, order below Exhibit-19 in the same Regular Darkhast No.44 of 2024 has been tendered, which is the latest order passed by the same Court i.e. joint Civil Judge Junior Division, Newasa on 19.07.2025. It appears to be an application by the decree holder i.e. present petitioner under Section 151 of the Civil Procedure Code for initiating the proceedings of Contempt of Court against the Superintendent of Police, Ahmednagar, Police Inspector and Assistant Police Inspector, Sonai Police Station, Newasa. It has been observed that the decree holder i.e. the present petitioner without availing remedies under Order 21 Rule 32 of Civil Procedure Code had filed directly the application for police aid and, therefore, the concerned Court showed its disinclination to grant the application i.e. for initiating the proceedings of Contempt of Court for disobeying the order dated 19.11.2024. When the Regular Darkhast proceedings are still pending and it is *sub judice* before the competent Court, further there is availability of remedy under Order 21 Rule 32 of the Civil Procedure Code, yet with some ulterior motive if the petitioner is bent upon having

police protection, it cannot be granted or it could not have been granted. Case is not made out for exercise of powers under Article 226 of the Constitution of India.

4. The writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm