



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 979 OF 2025

Kisan Dagaduji Palladwar

-- VERSUS --

State of Maharashtra and Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V.N. Patre, Advocate for the Petitioner.

Ms. M.H. Deshmukh, A.P.P. for the Respondents/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 09, 2026.

Heard.

2. The petitioner has challenged the order dated 18/11/2025, passed by respondent No.2, whereby the petitioner was asked to vacate and handover the possession of the flat owned by one Bhaskar Tikkas, who is the father-in-law of daughter of the petitioner. The First Information Report was registered by the Investigating Agency under the provisions of the Immoral Traffic (Prevention) Act, 1956, (in short "ITA Act"). The flat was rented by the petitioner to one Govind Komalprasad Bhargav. After the raid was conducted, it was found that an illegal business of prostitution is going on and the flat was used as a brothel and, accordingly, the petitioner was issued a show cause notice as to why the said flat should not be attached under the provisions of ITA

Act. A notice under Section 18(1) dated 09/10/2025, was issued to Bhaskar Tikkas (flat owner). It appears that the said Bhaskar, who is the flat owner, has given power of attorney to the present petitioner and, accordingly, the present petitioner has filed the reply. After considering the reply and after hearing the petitioner, the order of eviction was passed and the applicant was directed to handover the possession. Further, it was directed to seal the said property by disconnecting the water and electricity supply. This order is under challenge before this Court.

3. The learned counsel for the petitioner submits that the Commissioner of Police has not considered his reply. He submits that, as soon as the incident came to the knowledge of the applicant, he immediately evacuated the concerned tenant from the flat. The flat is now rented to the nephew of the present petitioner. He further submits that, after six months a notice was issued without verification, as to whether, the flat after the incident was still being used as a brothel or not. He submits that, he had rented the premises to one Govind Komalprasad Bhargav, however, he had used that flat for prostitution purpose, however, the petitioner was unaware about this fact and, therefore, he submits that, considering the fact that the petitioner has immediately evacuated the said Govind from the flat, it cannot be said that the flat is still being used for

the purpose of prostitution. He submits that the learned Commissioner has failed to take this aspect into consideration, which shows non-application of mind on the part of the learned Commissioner. Therefore, he submits that the order dated 18/11/2025, passed by the learned Commissioner is bad in law and deserves to be quashed and set aside.

4. On the other hand, the learned A.P.P. vehemently opposes the application and submits that the petitioner, who is the power of attorney holder of original owner, Bhaskar Tikkas, has been served with a notice under Section 18(1) of the ITA Act. She further submits that, admittedly, a raid was conducted, and it was found that, in the flat, the business of prostitution was going on and, accordingly, the notice was issued to the original flat owner. The petitioner is the power of attorney holder and in that capacity he has filed a reply to the show-cause notice. She further submits that respondent No.2 has passed a reasoned order and all the factors are taken into consideration. Even the reply filed by the petitioner was considered and an opportunity of hearing was also given and, therefore, there is no violation of principles of natural justice. Admittedly, the premises was used as a brothel and, therefore, the learned Commissioner while exercising the powers vested with him has passed the impugned order.

According to her, there is no lacuna or perversity in the order and, therefore, she submits that there is no merit in the petition and it deserves to be rejected.

5. I have heard both the sides and considered their rival submissions. Admittedly, the First Information Report was registered against two persons, namely, Govind Komalprasad Bhargav, and the wife of Govind, namely, Pooja Bhargav, who were running brothel in the rented premises. Admittedly, it appears that, the flat is owned by Bhaskar Tikkas, and the present petitioner is the power of attorney holder. Admittedly, the original flat owner is not arrayed as accused in the said crime. It further appears that, the Commissioner of Police, Nagpur, has issued notice under Section 18(1) of the ITA Act, to which, the petitioner has replied. It is necessary to mention at this juncture that, it is stated in the reply, that, as soon as the petitioner came to know about the said registration of the F.I.R., he immediately asked the tenants to vacate the said premises and, accordingly, the said premises was vacated by accused Govind and Pooja, and thereafter, immediately, nephew of the petitioner started residing in the said premises. It further appears that, thereafter, there are no allegations that the premises was used for prostitution or as a brothel. So far as the impugned order is concerned, the learned

Commissioner has considered only one fact, that the petitioner should have verified the credential of the original accused – Govind Komalprasad Bhargav and, therefore, without verification, he has rented the premises to Govind. The same is true, but, the fact remains that, as soon as, the petitioner got the knowledge of the said fact, that improper acts are going on in the said premises and the offence is registered, he has immediately taken action and asked Govind and his wife to vacate the premises, and immediately the premises was vacated. Thereafter, the nephew is residing at present in the said house. Therefore, this fact of prompt action by the petitioner should have been taken into consideration by the learned Commissioner. It is further to be noted that much water has flown from the date of registration and till the show-cause notice was issued under Section 18 of the ITA Act. Therefore, this six month period is crucial while considering the present issue. Considering the fact that, later on, after the incident, this flat was never used as a brothel or for the purpose of prostitution, in my opinion, the learned Commissioner has committed gross error on facts. The learned Commissioner ought to have considered this fact, that it was not within the knowledge of the petitioner or original flat owner that the business of prostitution was going on and, therefore, considering all these

facts, I am inclined to allow the present petition.
Hence, the following order:-

ORDER

- (i) The Criminal Writ Petition is **allowed;**
- (ii) The order dated 18/11/2025 passed by Commissioner of Police, Nagpur, (respondent No.2), is hereby quashed and set-aside.
- (iii) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN