



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 187 OF 2024

Gunratan N. Sadavarte ... Petitioner

V/s.

The Additional Chief Secretary & Ors. ... Respondents

WITH

CRIMINAL WRIT PETITION NO. 188 OF 2024

Gunratan N. Sadavarte ... Petitioner

V/s.

The Additional Chief Secretary & Ors. ... Respondents

Dr.Gunratan N. Sadavarte, Petitioner in-person.

Dr. Birendra Saraf, Advocate General a/w Mr. H.S. Venegavkar, Public Prosecutor and Mr. J.P. Yagnik, APP for Respondent-State

Mr.V.M. Thorat a/w, Mr.Ashish Gaikwad, Mr. Ramesh Dube-Patil, Mr. Rajesh Tekale, Mr. Aniruddha R. Rote, Ms.Bhavana Khichi-Natuskar, Ms.Anjali Kolapkar, Mr.Vaibhav Kadam & Mr.Anand Kate for Respondent No.7 in WP/187/2024 and for Respondent No.9 in WP/188/2024.

CORAM : A. S. GADKARI AND  
SHYAM C. CHANDAK, JJ.

DATE : 23<sup>rd</sup> February 2024.

P.C. :

1) Both the Petitions are circulated by the Respondent-State vide a *praecipe* dated 22<sup>nd</sup> February 2024, citing urgency in the matter.

2) At the outset, Mr.Thorat, learned counsel for Respondent No.7 in WP/187/2024 and for Respondent No.9 in WP/188/2024 (the said

Respondent') submitted that, the reason for circulating these Petitions has not been stated in the copy of the *praecipe* served upon his Advocate on record and therefore he could not take complete instructions from his client. He submitted that, these Petitions may be taken up for further hearing on Monday i.e. 26<sup>th</sup> February 2024, so that he will be able to take necessary instructions in that behalf.

3) Dr. Birendra Saraf, learned Advocate General submitted that, the said Respondent has given a call for further agitation and has threatened to block roads in the State thereby creating problem with law and order so also to the public peace at large and therefore these Petitions are circulated citing urgency.

4) Dr. Sadavarte, Petitioner in-person also submitted that, the said Respondent has again given a call for further agitation and it may hamper the even tempo of life in the State.

Dr. Sadavarte, Petitioner in-person submitted that, in para No.19, in the case of *Amit Sahni (Shaheen Bagh, In Re) Vs. Commissioner of Police & Ors., reported in (2020) 10 SCC 439*, the Hon'ble Supreme Court has observed that, it has no hesitation in concluding that such kind of occupation of public ways, whether at the site in question or anywhere else for protests is not acceptable and the administration ought to take action to keep the areas clear of encroachments or obstructions.

5) Mr. Thorat, learned counsel for the said Respondent, on instructions from the instructing Advocate, submitted that, the said call is given by Maratha Andolan Samiti, of which the said Respondent is a member and not by any individual in his/her personal capacity. He, on instructions, further submitted that, the said agitation will be a peaceful agitation in all respects.

6) Article 19(1)(b) of the Constitution of India gives a right to the citizens to assemble peacefully and without arms. Article 19(1)(d) of the Constitution of India provides, to move freely throughout the territory of India. The said fundamental rights are with reasonable restriction, as more specifically stated in Article 19(3) and 19(5) of the Constitution of India. It is for the State to impose reasonable restrictions on the exercise of the right/rights conferred by the said clauses in the interest of general public or for the protection of the interest of it.

7) Mr. Thorat, learned counsel for the said Respondent, seeks time to take further instructions.

At his request, stand over to 26<sup>th</sup> February 2024, at 2.30 p.m..

( SHYAM C. CHANDAK, J. )

( A.S. GADKARI, J. )