

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 57 OF 2023

Nilesh s/o Baburao Shinde

...Petitioner

Versus

1. The State of Maharashtra  
Social Welfare department  
Through its Principal Secretary
2. The Principal Secretary,  
The State of Maharashtra,  
Law and Judiciary Department  
Mantralaya, Mumbai
3. The Principal Secretary,  
The State of Maharashtra,  
Home Department  
Mantralaya, Mumbai

...Respondents

.....  
Mr. Mahesh S. Deshmukh h/f Mr. Pralhad P. Tayade with  
Mr. Sagar S. Phatale, advocate for the petitioner  
Mr. Birendra Saraf, Advocate General for respondents

.....

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ.  
& ARUN R. PEDNEKER, J.**

**DATE : 13<sup>th</sup> SEPTEMBER, 2023.**

**P.C. :**

1. Not on Board. Mentioned. Taken on Board.
2. The aspirations of people in any democratic polity

get expressed in various forms, however, such forms cannot be permitted to assume character of the same being a cause of any kind of disturbance in the society.

3. Expressing concern about the deteriorating law and order situation, which is said to have been created on account of ongoing agitation by a section of society demanding reservation in the public employment and education, this public interest litigation petition has been filed seeking directions from the Court to the State to maintain law and order situation and also to ensure health and well being of members of the public.

4. It has been stated by Mr. M. S. Deshmukh, the learned counsel appearing of the petitioner that there has been a demand by a section of society for providing such reservation for quite some time. However, for past about a fortnight, the protesters have taken recourse to certain strong measures, such as organizing Dharnas and sitting on hunger strike. Drawing our attention to certain newspaper reports, it has been stated by the learned counsel for the petitioner that one such protest is currently going on at

village Antarwali (Sarati), Tq. Ambad, district Jalna and when the Police and District Administration tried to intervene to maintain law and order, it was noticed that the health of the gentlemen who was leading the other protesters was deteriorating fast and there was opposition even to provide him the medical aid. According to the petitioner, there is another section of the society, which has conflicting aspirations and interests and from various corners of the State, information relating to confrontation posing threat to the law and order situation has been pouring in.

5. It is in the aforesaid background that it has been prayed by the learned counsel for the petitioner that the State may be directed to take appropriate steps to maintain law and order situation in the State and also to provide possible medical help wherever it is so needed.

6. The learned Advocate General appearing for the State-authorities has submitted that the State Administration is equally concerned with the situation and that various efforts have been made by the authorities to prevent any untoward incident and to maintain law and

order situation throughout the State. It has also been stated by the learned Advocate General that the State is also equally keen about the health and well being of all and further that it is trying its best to ensure that the law and order situation in the State is maintained.

7. Countering the learned Advocate General, the learned counsel for the petitioner submitted that in fact, the incidents which have been happening in the State for last two weeks indicate that there is lack of efforts by the State authorities as a result of which certain vehicles have been put on fire and ruckus is being created at various places as a result of which there is large scale disruption in public life.

8. We have given our thought to the aforesaid aspects of the matter and are of the opinion that while protecting the right of every individual or group of persons to express his/their aspirations, it is also the duty of the State to maintain law and order and peace and tranquility in the society, at any cost. No protest or agitation being carried out for whatever reason can be permitted to assume the character of causing any law and order situation. Every

individual or group of persons has got fundamental right to protest, however, it should necessarily be by peaceful means and if there is any breach of the same, it is the bounden duty of the State to prevent such breach.

9. Having regard to the statement made by the learned Advocate General before the Court, we have no reason to believe that the State authorities shall not take appropriate action which may be warranted under law, not only to maintain peace, tranquility and the law and order but also to take care of health and well being of all.

10. We also expect that the protesters and agitators shall not indulge in any kind of activities which may even remotely pose any threat to the peace and order in the society.

11. List this public interest litigation petition on 11.10.2023.

**(ARUN R. PEDNEKER, J.)**

**(CHIEF JUSTICE)**

rlj/