

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1782 OF 2017

Prakash Y. Ambedkar ... Petitioner

V/s.

Vijay Balkrishna Ranpise & Ors. ... Respondents

WITH

WRIT PETITION NO.705 OF 2020

Dr. Surendra Shrirang Dhaktode ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

CRIMINAL APPLICATION NO.930 OF 2017

WITH

CRIMINAL APPLICATION NO.931 OF 2017

Nagsen Krishna Sonare & Ors. ... Applicants

V/s.

State of Maharashtra & Anr. ... Respondents

Mr. Prakash Y. Ambedkar, Petitioner in-person in WP/1782/2017.

Ms. Madhavi Ayyappan i/by Talekar & Associates for the Petitioner in WP/705/2020.

Mr. Satish Maneshinde, Senior Advocate, a/w Mr. Samay Pawar i/by Mr. Yash Fadtare for the Applicants in APL/930 and 931/2017.

Smt. Smita Tondwalkar for the Respondent-BMC.

Smt. P.P. Shinde, APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
DATE : 30th April 2026**

PG.:-

1) The present Petition arises on account of an attack and demolishing of the historic Buddha Bhushan Printing Press at Dadar, which lies in the heart of Mumbai City, in the midnight of 25th June, 2016. Accused Nos.1 to 7 along with 300-400 unknown persons were allegedly responsible for the said demolition.

Brief facts:-

2) Dr. Babasaheb Ambedkar had purchased two plots of land with his own funds in the year 1930. In 1945, he created a Trust on one piece of land and constructed a Printing Press known as Buddha Bhushan Printing Press. On one plot there were three buildings. One building had a Printing Press called Buddha Bhushan Printing Press. The second building had Yashodhara Sanganak Kendra and other Offices were being run and the third building was Dr. Babasaheb Ambedkar Bhavan.

3) The Trustees of the Trust had *inter se* disputes. They were not only acting against each other but also against the object of the Trust. Under the garb of a false Structural Audit Report Respondent Nos. 1 to 7 instigated the BMC to issue a notice under Section 354 of the MMC Act which stated that the building was in a dilapidated condition.

4) On 25th June, 2016 four persons who were sleeping in the

premises informed the Petitioner's brother namely Anand Ambedkar that Mr. Shrikant Gaware, Yogesh Varade, Nagsen Sonare, Abhay Bambole, Mr. Bodhvade (Respondent Nos.2 to 6) along with 400-500 unknown persons/goons, on the basis of and authorization from one Mr. Ratnakar Gaikwad (the Chief Information Commissioner), had come with earth movers, machinery, bulldozers to demolish the Buddha Bhushan Printing Press.

5) Mr. Anand Ambedkar, immediately rushed to the Bhoiwada Police Station to make complaint and to stop this illegal activity. Instead of receiving the complaint and acting in furtherance of the complaint, Respondent No.10, D.C.P Zone-IV, threatened him of putting him behind bars. She refused to send the police force to stop the illegal activity. Upon return to the site, Mr. Anandraj Ambedkar saw that, the historic building Buddha Bhushan Printing Press was demolished. The machines purchased by Dr. B.R. Ambedkar and the "Panchshil Flag" were also damaged, cupboards, office documents including documents in the handwriting of Dr. B.R. Ambedkar and valuable anti-manuscripts regarding integration of social rights from 1910 till 1956 were all stolen.

6) Respondent No.7 has taken responsibility of this entire action in an interview on television on the following day. The Petitioner lodged FIR against Respondent Nos.1 to 7 at 1:00 pm on 25th June, 2016. No investigation has been carried out for the stolen property or the demolition.

The Respondent Nos.2, 4, 5 and 6 were granted Anticipatory Bail by Order dated 22nd July, 2016. The Petitioner is aggrieved by the actions of the police in failing to take action upon the informed/informer about the imminent demolition as well as the delay in filing the report before the Sessions Court in the Criminal Anticipatory Bail Application.

7) Mr. Prakash Ambedkar narrated the aforesaid facts and submitted that the Respondent Nos.8 to 10 had clearly and deliberately failed to take cognizance of his brother's complaint and action when the same was about to be carried out. It appears that, Respondent Nos. 8 to 10 have acted in collusion with Respondent Nos.1 to 7 for this dastardly act. The Enquiry Officers have failed to follow the Constitutional mandate of recording the complaint as set out by the Supreme Court in its Judgment in the case of *State of Harayana and Others vs. Bhajanlal and Others* reported in 1992 SCC Supl. (1) 335.

8) The Respondent No.11 namely the Assistant Commissioner of Police has filed an Affidavit dated 28th April, 2026.

8.1) A perusal of Affidavit of Assistant Commissioner of Police is, to say the least, shocking. He has chosen to use the clause of denial without understanding the meaning and purport. Paragraph No.2 reads as under:

“2. Save as expressly admitted hereinafter and save what are the matters of record, each and every allegation in this petition should be deemed to have

been specifically and emphatically denied hereby unless the same has been otherwise dealt with or traversed in the paragraphs hereinafter appearing.”

8.2) He further seeks to defend himself by contending that the allegations are ‘vague and baseless’, despite the Petition categorically setting out the inaction on the part of the Police. In paragraph No.3, he acknowledges that his Officer PSI Patil, “came to know about the demolition” yet attempts to justify the situation by relying on the Notice issued by the BMC. In paragraph No.4 of the Affidavit, he rather casually records that the API present at the Police Station merely asked the complainants, who approached the Police Station, to produce documents “to stop the demolition”. He then seeks to justify the police inaction by stating that the complainants did not possess the requisite documents. In paragraph No.5, he further asserts that “his Officers immediately reached the spot and ensured that necessary preventive and protective measures were undertaken”.

9) It is deeply disturbing to read such thoughtless Affidavit. We are constrained to express our shock at the audacity and the manner in which the Police responded to the complainants who approached the Police Station. It is rare, if not unprecedented, for the BMC or any Authority to carry out a demolition between 12.00 am. and 7 am. Instead of promptly proceeding to the site and halting what appears to have been an illegal

demolition, there was evident inaction on the part of the police. Rather than acknowledging this lapse, an attempt has been made to justify such inaction by adopting a stance that runs contrary to the basic principles of law.

10) An examination of Affidavit filed by Shri Ghanashyam Palange dated 28th April, 2026 *prima facie* indicates that, the same is not in consonance with the deliberation of the Court on last occasion. The names of the police officers who were on duty on 25th June 2016 at Bhoiwada Police Station have not been mentioned in the said Affidavit despite oral directions by this Court. The number of persons who ransacked the property are also not mentioned or rather deliberately suppressed in the Affidavit.

11) Taking into consideration the seriousness of the case, we deem it appropriate to direct the Commissioner of Police, Mumbai, to file his detailed reply to the Petition.

11.1) We direct the Commissioner of Police not to delegate his powers to any subordinate officers while filing the Reply.

11.2) We request the Commissioner of Police to peruse entire material gathered by the Investigating Agencies before filing the Reply.

11.3) We direct the Commissioner of Police to disclose the names of Officers who were on duty at Bhoiwada Police Station when the incident took place.

11.4) The concerned Authority shall also explain on Affidavit whether the Intelligence Department was functioning at the relevant time when the mob of approximately 400 persons gathered at the scene of offence in the wee hours of 24th June 2016 and 25th June 2016.

11.5) Whether the local police had received the necessary intelligence reports regarding gathering of such a mob and if yes what action or steps did the Police take to stop the same.

11.6) The said reply be filed within a period of six weeks from today.

12) Mr. Maneshinde, learned senior counsel for Applicants contends that the accused persons had communicated/intimated to the police department in advance that they will be taking possession of the concerned suit property in the wee hours of 23rd June 2016.

13) In view of the aforesaid submission, the Commissioner of BMC shall file an Affidavit in the Petition stating that, whether such a permission for demolition and/or taking possession was sought for and if yes, granted to the accused persons.

13.1) Whether the demolitions were carried out or permitted to be carried out by the BMC in the City of Mumbai between 12 a.m. midnight and 6 a.m. or this was an isolated case where such a thing has occurred.

13.2) Whether Respondent Nos. 1 to 7 had also informed that they would be seeking help of 400 to 500 persons to take possession.

14) Leave to amend to implead the Commissioner of BMC as

Respondent No.14, granted.

14.1) Further leave granted to annex additional documents, on which the Petitioner places reliance.

14.2) Said amendment be carried out within a period of one week from the date of uploading of this Order on the Official Website of the High Court of Bombay.

15) After the amendment is carried out, issue notice to newly added Respondent No.14, returnable on 15th June 2026.

15.1) Hamdast permitted.

16) We have informed Smt. Tondwalkar that, Commissioner of BMC is impleaded as Respondent No.14.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)