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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO. 27163 OF 2026

Nilesh Ramchandra Dhanukar & Ors.

...Petitioners

Versus

State of Maharashtra & Ors.

...Respondents

...

Mr. Mayur Khandeparkar a/w Mr. Chaitanya Nikte, Ms. Esha Malik, Mr. Prajit Sahane, Mr. Shubhankar Kulkarni, Mr. Swapnil Sangle Ms. Sarika Pawar & Mr. Vishal Tiwari, for the Petitioners.

Dr. Milind Sathe, AG a/w Mrs. Neha S. Bhide, GP & Mr. O. A. Chandurkar, Addl. GP, for Respondent Nos.1 to 3/State.

...

**CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.**

DATE : 11th SEPTEMBER, 2026.

P.C.:

1. In the instant Petition under Article 226 of the Constitution of India, a praecipe is received in the Registry today, praying for urgent hearing of this this matter.

2. The learned Counsel for the Petitioners in support of his submissions, placed reliance on a Division Bench order dated 26th August, 2025 passed in Public Interest Litigation (L) No. 25656 of 2025, wherein directions were issued to the

Respondent to grant permission for the proposed Maratha Reservation/Aandolan at Azad Maindan, which was scheduled on 29th August, 2025. In the said proceedings, reliance has been placed upon the judgment passed by the Hon'ble Apex Court in the matter of Amit Sahni (Shaheen Bagh, In Re) Vs. Commissioner of Police, (2020) 10 SCC 439. Paragraph Nos.17 to 19 of the said judgment are reproduced for ready reference :-

"17. However, while appreciating the existence of the right to peaceful protest against a legislation (keeping in mind the words of Pulitzer Prize winner, Walter Lippmann, who said "In a democracy, the opposition is not only tolerated as constitutional, but must be maintained because it is indispensable"), we have to make it unequivocally clear that public ways and public spaces cannot be occupied in such a manner and that too indefinitely. Democracy and dissent go hand in hand, but then the demonstrations expressing dissent have to be in designated places alone. The present case was not even one of protests taking place in an undesignated area, but was a blockage of a public way which caused grave inconvenience to commuters. We cannot accept the plea of the applicants that an indeterminable number of people can assemble whenever they choose to protest. K.K. Mathew, J. in Himat Lal case(1973) 1 SCC 227 had eloquently observed that

"70. ...Streets and public parks exist primarily for other purposes and the social interest promoted by untrammelled exercise of freedom of utterance

and assembly in public street must yield to social interest which prohibition and regulation of speech are designed to protect. But there is a constitutional difference between reasonable regulation and arbitrary exclusion."

18. Furthermore, we live in the age of technology and the internet where social movements around the world have swiftly integrated digital connectivity into their toolkit; be it for organising, publicity or effective communication. Technology, however, in a near paradoxical manner, works to both empower digitally fuelled movements and at the same time, contributes to their apparent weaknesses. The ability to scale up quickly, for example, using digital infrastructure has empowered movements to embrace their often-leaderless aspirations and evade usual restrictions of censorship; however, the flip side to this is that social media channels are often fraught with danger and can lead to the creation of highly polarised environments, which often see parallel conversations running with no constructive outcome evident. Both these scenarios were witnessed in Shaheen Bagh, which started out as a protest against the Citizenship Amendment Act, gained momentum across cities to become a movement of solidarity for the women and their cause, but came with its fair share of chinks as has been opined by the interlocutors and caused inconvenience of commuters.

19. We have, thus, 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"

3. Mr. Khandeparkar would submit that the Division Bench of this Court, under similar facts and circumstances considering the exigency in the matter and the massive agitation / protests, proceeded to pass a detailed order dated 1st September 2025. This, *inter alia*, considering the Public Meetings, Agitations and Processions Rules, 2025 (**“2025 Rules”** for short) certain interim directions were issued. The learned counsel for the Petitioner in the afore-said backdrop vehemently contended that a similar situation has again now arisen in Mumbai. This in as much as the Respondent No.4 has inclined to visit Mumbai along with his supporters. He submits that there is every likelihood of chaos and disorder that may ensue in the city of Mumbai. He, therefore, submits that similar direction be issued to the State Machinery to ensure there are no impediments in the way of a smooth life of the citizens of Mumbai.

4. According to Mr. Khandeparkar, considering the mass agitation, there is every likelihood of some untoward incident/s, mishap, at the time of Ganpati Festival as indicated by the Court while passing the order dated 26th August, 2025. In view thereof, it is necessary and expedient for

this Court to issue positive directions to the State so that situation remains in control of the State Machinery.

5. Per contra, the learned Advocate General, Dr. Milind Sathe submits that till date no permission is taken by the Respondent No.4 to organize a public rally / protest or the like, as required under Rule 25 of the 2025 Rules. He submits that in case any unwarranted situation the State Machinery will swing into action and act in accordance with law.

6. Considering the factual situation as emerged before this Court, we find at present entire case of the Petitioners, is set up on the basis of past experience. There is no such situation as yet which has emerged for us to take cognizance and issue appropriate directions in the matter. However, we expect, in case, any such protest is organized, the same would be within the mandate of Rule 25 of the Said Rules. We have no doubt that the Respondent No 4 is a responsible law abiding citizen. In a resilient democracy as ours, whilst exercising his rights, he would be conscious of the mandate of law and would act accordingly.

7. Issue notice to the Respondents, returnable on 24th September, 2026.

8. At this stage, an apprehension is also expressed in regard to the health issue of Respondent No.4, who is on hunger strike. On this count also, we expect that the State would take all such steps to handle any medical emergency exigency qua Respondent No 4, if the occasion so arises.

9. Stand over to 24th September, 2026, for further consideration.

[ADVAIT M. SETHNA, J.]

[CHIEF JUSTICE]