



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION (L) NO. 25656 OF 2025

Amy Foundation

Through Mr. Anil Kumar Mishra

... Petitioner

versus

State of Maharashtra

Through the Chief Secretary & Ors.

... Respondents

ALONGWITH

PUBLIC INTEREST LITIGATION (L) NO. 27006 OF 2025

ALONGWITH

CRIMINAL WRIT PETITION NO.187 OF 2024

WITH

CRIMINAL WRIT PETITION NO.188 OF 2024

WITH

INTERIM APPLICATION (ST) NO.17588 OF 2025

Mr. Mahendra Ratna a/w Sneha Chanotra for the Petitioner IN PIL(L) No.25656/2025.

Mr. Surel Shah, Senior Advocate, a/w Chaitanya Nikte, Ashish Agarkar, Swapnil Sangle, Ramana Deshmukh, Khushi Bagaria, Sourabhi Waknis, Pranav Avhad, Abid Mulani and Adesh Agarkar for the Petitioner Mr. Nilesh Tribhuvan in PIL(L) No.27006/2025.

Dr. Birendra Saraf, Advocate General a/w Purnima Kantharia, GP a/w Jyoti Chavan Addl. GP for State in both PILs.

Ms. Oorja Dhond a/w Shivprasad Borade i/b Ms. Komal Punjabi for Respondent No.4 BMC IN PIL (L) No.25656/2025.

Mr. Ramesh Dube Patil a/w Ashish Gikwad, Mr. Rajesh Tekade for Respondent No.7 in WP 187/2024 and for Respondent No.9 in WP No.188/2024.

Mr. Shriram Pingle (Through VC) for peaceful protester.

Mr. Gunratna Sadavarte (Party in person) a/w Dr. Jayshree Patil, a/w Rajaashok Ghate for Petitioner.

Mr. Shrikant Adhate, Sr.PI from Azad Maidan Police Station present. Mr. Dnyaneshwar Avhad, PI from Azad Maidan Police Station present.

: 2:

CORAM : RAVINDRA V. GHUGE &

GAUTAM A. ANKHAD, JJ.

DATE : 1st SEPTEMBER, 2025

P.C. :-

1. PIL(L) No.25656/2025, along with the Interim Application was circulated by a praecipe received by the Registry yesterday late in the evening, praying for an urgent hearing in this matter. Today, the other Petitions bearing PIL (L) No.27006/2025 and Cr. WP No.187/2024 and 188 of 2024, along with an Interim Application, were also circulated, which were taken on the production board.

2. In the Interim Application preferred by Amy Foundation in PIL(L) No. 25656/2025, the learned Advocate Mr.Mahendra Ratna makes a statement that copy of the Interim Application was served upon Mr.Manoj Jarange and Mr.Virendra Pawar, Organizers of the Amaran Andolan in Mumbai.

3. We have been shown an order passed by this Court (Coram : A.S.Gadkari and Shyam Chandak,JJ) dated 23rd February, 2024 in Cr. WP No.187/2024 and Cr. WP No.188/2024. The learned Advocates

: 3:

Mr.Ramesh Dube Patil, Mr.Rajesh Tekale and Mr.Gaikwad have appeared on behalf of the Andolan Committee – Respondent No.7 and Shri Manoj Jarange, Respondent No.9, in the said two petitions. Mr.Pingle, the learned Advocate who has addressed us through video conferencing mode, submits that though he is representing a peaceful protester, who is yet to file his Intervention Application, he can surely interact with Mr. Jarange and prevail upon him, if this Court issues any such direction.

4. We deem it apposite to reproduce the order dated 26th August, 2025 passed by this Court [Coram: Alok Aradhe, CJ (as his Lordship then was) and Sandeep Marne, J] in PIL(L) No.25656/2025, hereunder :

“1) Leave is granted to the Petitioner to amend the cause title of the Petition by adding Mr. Manoj Jarange Patil, Mr.Virendra Pawar and Amran Uposhan Antarwali Sarati, as party Respondent Nos.5 to 7. Amendment to be carried out forthwith.

2) Petitioner is an NGO, which claims to be dedicated to protection of public welfare and safety. In this Petition filed as Public Interest Litigation, Petitioner seeks direction to Respondent Nos.1 to 4 not to grant permission for the proposed Maratha Reservation Andolan at Azad Maidan, which is scheduled to be held on 29 August 2025.

3) Heard Mr. Mahendra Ratna, the learned counsel appearing for the Petitioner. He submits that Respondent No.5 is planning to hold a protest at Azad Maidan and shall observe fast unto death from 29 August 2025. It is submitted that from 29 August 2025 till 6 September 2025, Ganpati Festival will be celebrated on very large scale, specially in the city of Mumbai. It is submitted that Respondent Nos.5 to 7 and their associates have no right to lock the public ways and public spaces

: 4:

in such a manner so as to cause inconvenience to public in general. It is further submitted that Respondent Nos. 5 to 7 can be permitted to hold the peaceful protest at any venue situated at Khargar in Navi Mumbai. It is submitted that Respondent Nos. 1 to 4 are under an obligation to ensure that public in general does not suffer any inconvenience on account of protest, which is said to be held by Respondent Nos. 5 to 7 (Amaran Uposhan Antarwali Sarati) and their associates.

4) Dr. Saraf, the learned Advocate General, appearing for Respondent Nos. 1 to 3-State, on instructions submits that in exercise of powers under Section 33 of the Maharashtra Police Act, 1951, Rules viz., Public Meetings, Agitations and Processions Rules, 2025 have been framed, which shall be notified during the course of the day. It is fairly submitted that Respondent Nos. 5 to 7 and their associates have right to hold a peaceful protest. However, they do not have any right to put public in general to inconvenience. It is submitted that neither Respondent Nos. 5 to 7 nor any person on behalf of Amaran Uposhan Antarwali Sarati has submitted a formal application. However, it is pointed out that a communication dated 28 July 2025 has been sent to the District Collector and Police Authorities informing the Police Authorities that Respondent Nos. 5 to 7 and their associates would like to stage a protest at Azad Maidan from 29 August 2025 till death.

5) We have considered the rival submissions made by both the parties.

6) Undoubtedly, Respondent Nos. 5 to 7 and their associates have right to protest but the same should be in a peaceful manner. The Supreme Court in Amit Sahni (Shaheen Bagh, In Re) V/s. Commissioner of Police and Others, 1 held in paragraphs 17 to 19 has held as under:-

“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 1 (2020) 10 SCC 439 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.”

7) In view of aforesaid law enunciated by the Supreme Court in Amit Sahni (supra) the State Government is under an obligation to ensure that public ways and public spaces are not occupied by protesters an indefinite period and no inconvenience is caused to public in general. The democracy and dissent do go hand in hand, but demonstrations expressing dissent have to be in designated places alone, which are identified for such a protest. It is a matter of common knowledge that Ganpati Festival is scheduled to commence on 27 August 2025 and shall be celebrated till 6 September 2025. The said festival is celebrated on a large scale, specially in the city of Mumbai. During the aforesaid period, police authorities shall be busy in maintenance of law and order situation in the city of Mumbai. In order to ensure that no inconvenience is caused to the public in general and the mandate issued by the Supreme Court in Amit Sahni (supra) is complied with, as well as taking into account the fact that the permission to hold the protest can now be processed only in

: 6 :

accordance with Public Meetings, Agitations and Processions Rules, 2025, we deem it appropriate to issue following interim directions:-

(i) Respondent Nos.5, 6 and Respondent No.7- Amaran Uposhan Antarwali Sarati and their associates shall not stage any protest at Azad Maidan, Mumbai, till they seek permission under the Public Meetings, Agitations and Processions Rules, 2025.

(ii) It will be open for Respondent Nos.5, 6 and Respondent No.7- Amaran Uposhan Antarwali Sarati and their associates to move an application seeking permission to hold protest in a peaceful manner in accordance with the Public Meetings, Agitations and Processions Rules, 2025.

(iii) It will be open for the State to offer an alternative place in Kharghar in Navi Mumbai to Respondent Nos.5, 6 and Respondent No.7- Amaran Uposhan Antarwali Sarati and their associates for holding a peaceful protest so that tempo of life in the city of Mumbai is not hampered with.

(iv) The Respondent Nos.5, 6 and Respondent No.7-Amaran Uposhan Antarwali Sarati and their associates will abide by the conditions on which permission may be granted by the Competent Authority under the Public Meetings, Agitations and Processions Rules, 2025.

8) Issue notice to the Respondents, returnable on 9 September 2025. Ms. Kantharia, the learned Govt. Pleader waives service of notice on behalf of Respondent Nos.1 to 3. Ms.Oorja Dhond, the learned counsel waives service of notice on behalf of Respondent No.4.”

5. The entire issue before us is encompassed in the above reproduced order. The reason for the Applicants and PIL Petitioners moving their Petitions in urgency before this Court is on account of lakhs of protesters supporting Mr.Jarange and the Amaran Uposhan Antarwali Sarati at Azad Maidan, have flooded Mumbai streets and brought the Mumbai city to a stand still. It is in the light of the grave urgency cited by the learned Advocate Mr.Ratna, who moved the praecipe late yesterday evening, that this Court was constituted by the Hon'ble The Chief Justice

(Actg) of the Bombay High Court, for an urgent hearing at 1.30 p.m.. The hearing started at 1.30 p.m. and after hearing the learned Advocates for quite some time, we have started dictating this order at 3.30 p.m.

6. We do not wish to enlarge the size of this order by referring to various colour and B/W photographs, video recordings, and the purported recordings available with the learned Advocates for the Petitioners/Applicants, which indicate that the protesters are on various streets in Mumbai and they have started resorting to blockades. It is undisputed before us that the CSMT is completely flooded with the protesters. The area around the precincts of CST, BMC precincts, flora fountain area, the area around Oval Maidan, the area around Mantralaya, the area around Marine Drive etc. have been blocked. There are pictures shown to us which indicate that the protesters are cooking on the streets. They are playing various games like Kabaddi, Tug of war and are also dancing on the main streets. They are bathing on the main streets is what appears from the photographs.

7. The learned Advocates Mr.Pingle, Mr.Dube Patil, Mr.Tekale and Mr. Gaikwad, also do not dispute that the afore stated situation is grim and has brought the Mumbai city, practically to a stand still.

8. The learned Advocate General Dr.Saraf has addressed us for quite some time. He indicates, interalia, from various aspects, that primarily the schools and colleges are being seriously hampered since the movement of students has become almost impossible. The permission which was granted earlier to Respondents Nos. 5, 6 and 7, in pursuance to the order of this Court dated 26th August, 2025, copies of which are shown to us, would indicate that the Organizers of the protest were under clear obligations/conditions of ensuring that strength of the protesters would not be more than 5000, they would assemble only in the designated area in Azad Maidan, keeping in view the Public meetings, agitations and processions Rules, 2025. They were supposed to agitate only between 9.00 a.m. to 6.00 p.m. and vacate the Azad Maidan immediately thereafter, on 29/08/2025. Permission to resort to a hunger fast, was not granted. The learned AG further submits that the permission granted to resort to such protest on 29th August, 2025, was only for one day and such permission was never extended beyond 29th August, 2025.

9. The learned Advocate Mr.Pingle submits on instructions that the permission was surely extended by one day on 30th August, 2025. He believes that it was further extended, but he cannot make a definite statement. The learned Advocate General further submits on instructions

from the briefing police officers that the permission was not extended beyond 29th August, 2025 and Respondent Nos.5, 6 and 7 need to voluntarily vacate the Azad Maidan.

10. The learned Advocate General further submits that since the terms and conditions, set out in the permission order having been imposed on Respondent Nos.5, 6 and 7, have been violated, not only have the Rules of 2025 been violated, even the order of this Court has been violated. He draws our attention to the permission letter issued by the Sr. PI Azad Maidan Police Station, Mumbai dated 27th August, 2025 to substantiate his contention that the conditions for granting permission as well as the order of this Court, have been violated.

11. The learned Advocate General further submits that Mr. Virendra Pawar and Mr. Jarange have been individually served with notices dated 31st August, 2025 bringing it to their knowledge that they have violated the conditions of the permission and the order of this Court. He submits on instructions that after these two letters were shown to these two gentlemen, they saw the letters and did not sign in acknowledgment and thrust the papers away by returning them to the concerned Police Officer. A video recording has also been maintained.

12. It is undisputed that the right to a peaceful protest is the law of the land, which has also been adverted to by this Court while passing the order dated 26th August, 2025.

13. We had an occasion to peruse today's edition of the Times of India, Mumbai, dated September 1, 2025. On the vertical half page preceding page no.1, which is in common parlance known as 'flier', as told to us, carries the news item of Mr.Jarange having intensified his protest and having declared that he would fast unto death and would not leave Mumbai till the demand is met. Below the headlines, in one picture, we find that protesters are bathing on the main roads, outside CST and some protesters are playing Kabaddi on the streets.

14. The said news items continues on page 2 which carries several headlines on that entire page with the title 'Times City'. We are only reproducing the headlines appearing in the said page as under :

A) NCP Minister to hold meetings with OBC Netas in Mumbai today; Stop pampering Jarange, Bhujbal tells Govt; warns of protest if demands met.

B) Ministers are useless, Jarange says, questioning CMs intent.

C) Schools and colleges in Fort and Azad Main area closed.

- D) The State trying to resolve issues within legal frame work.
- E) Panel meets CM and AG, minister asks city to co-operate with agitators.
- F) Many take ill, blame poor water quality, private hospitals placed on alert;
- G) Heritage area turns into camp site;
- H) Waste strewn on streets, protesters urinate in open, BMC scales up services.

We are taking cognizance of the Times of India, Mumbai Edition dated 1st September, 2025 and the same is marked as 'X-1' for identification.

15. The learned Advocates appearing for the Petitioners/Applicants agree with the contention of the learned Advocate General that Respondent no. 7 Mr Jarange has declared that lakhs and of people would now get into Mumbai city every day and entire Maharashtra would be brought to a stand still.

16. We find that the city of Mumbai is literally paralysed. Every street, especially in the entire region of the Azad Maidan, CST, Mantralaya, Flora Fountain, Marine Drive, P'Demello Road, are flooded

: 12 :

with protesters who are on the streets, dancing, playing kabbadi, cooking food, bathing on the main roads, etc. In fact, today when one of us (Ravindra V Ghuge, J) was traveling to the Court around 12.30 pm in the official car, there was a huge blockade in front of the City Civil Court and the High Court building. The protesters were playing on the streets, many were dancing and some had slept on the roads. The Judge (Ghuge, J), walked besides the crowd on the foot-path from the City Civil Court and reached the High Court. Learned Advocate Ms Kantharia also walked along as she was also stranded and had crossed the road. The High Court was virtually under a seige. Whilst the hearing was going on inside the Court hall, doors of which were closed, slogan shouting was clearly audible to us as well as all the lawyers and litigants.

17. In this contest, considering the seriousness of the issue and since Mr.Dube Patil, Mr.Tekale and Mr.Gaikwad have appeared on behalf of Respondent Nos.5, 6 and 7, in petitions that are before us and Mr.Pingle having addressed us on video conferencing, we called upon the learned Advocates, whether they can prevail upon Mr Jarange to appeal to all the protesters, beyond 5000, to leave the city and go back to their towns/villages. Mr Pingle submits that he will strive to convince Mr.Jarange.

18. We specifically asked the three lawyers, all of whom have already appeared for Mr Jarange in two Criminal proceedings before us, as to whether Mr.Jarange would appeal to the protesters who have accompanied him, as under :-

A) As more than 5000 protesters have arrived, beyond 5000, all should vacate the streets and the Mumbai city and go back home peacefully.

B) Whether an Appeal could be made by Mr.Jarange to those future protesters who are given a call by respondent Nos.5 to 7 to enter Mumbai city, to stop from entering the city and return back to their places.

The learned Advocates Mr.Dube Patil and Mr.Tekale submit that it would not be possible for Mr.Jarange to make such a statement as several protesters are beyond his control. Mr.Pingle submits that he would make a bonafide effort, but informs us that the several protesters are now beyond the control of Mr.Jarange. He now clarifies, while we are dictating the order, that these protesters who are dancing on the streets and are blocking the streets, were never called upon by Mr.Jarange to behave in such a fashion. He now again clarifies that he will try to convince Mr.Jarange to convince the protesters to remove themselves from the city and not to behave in such manner.

: 14 :

19. We put a simple question to Mr.Pingale, whether these protesters have any permission to occupy the streets? Mr. Pingale tactfully did not reply. We, therefore, posed a question as to whether these protesters would clean up the streets, vacate the streets and go back home and let peace and tranquility prevail in Mumbai, so that the common man leads a normal life. He had no answer, but he submits that he will strive to convince Mr.Jarange to convince the protesters to vacate the streets and should not misbehave.

20. Mr.Pingale submits that the electricity lines around Azad Maidan area were switched off for 3 hours yesterday and the public toilet blocks were not opened for them. Their food trucks entering Mumbai were stopped and water supply was stopped. The learned Advocate General, on instructions clarifies that the BMC has supplied innumerable mobile toilets in front of Azad Maidan. He further submits that this Court may grant permission to the State Government to evict Mr Jarange and the protesters from the Azad Maidan.

21. Having taken cognizance of the above discussed factors and circumstances that are brought before us, we direct as under :-

A) The order of this court dated 26th August, 2025 prima facie appears to be disobeyed by the Respondents No.5 to 7.

B) Since Respondent Nos.5, 6 and 7 have, prima facie, violated the conditions of the permission granted to them by the State Government and since they do not have any valid permission to continue the protest on Azad maidan, let the State Government follow the due procedure laid down in law for initiating appropriate steps.

C) Since it is of imminent necessity that normalcy in the life of the common man needs to be restored and the city should not be brought to a stand still, and more so during the Ganapati Festival as well, and since 2025 Rules are in place, we direct Respondent Nos.5,6 and 7 to ensure that the streets are cleaned up, vacated of the occupation by the protesters, which would include all such places which are being occupied until tomorrow by forenoon.

D) We trust that they will obey the directions of this Court set out in the order dated 26th August, 2025, the 2025 Rules and our above directions.

E) Since there are further protesters who desire to enter the city, as is conveyed to us by the learned Advocate General on instructions and the contention of the learned Advocates for the Applicants that they would come in lakhs, we direct the State Government to initiate

: 16 :

appropriate steps to prevent the entry of such protesters in Mumbai from all entry points, until further orders from this Court and or any order of the State Government under the 2025 Rules.

F) In addition, we permit medical assistance to all the protesters, as also water and the food packets which are being offered to them until tomorrow.

G) We direct the State Government to ensure that if the health parameters of Mr.Jarange are of concern or his health deteriorates, the State Government would ensure that he is given adequate medical assistance and treatment.

22. List these matters before the regular bench on 2nd September, 2025 at 1.00 pm.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)