



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

SUO MOTU PUBLIC INTEREST LITIGATION NO. 9 OF 2025

(Court on its own motion Vs. Mr. Omprakash alias Bachchu Kadu and others.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D.V. Chavan, Senior Counsel/ Government Pleader along with Mr. N.S. Rao,
AGP for respondents/State.

CORAM : RAJNISH R. VYAS,J.

DATED : 29-10-2025.

Fourth pillar of democracy, by way of news item published in news paper "The Times of India" and "The Hitavada" ("City Line"), dated 29.10.2025 has brought to my notice extreme inconvenience suffered by public at large due to traffic congestion on National Highway No. 44, which is commonly called as a Wardha Road on account of agitation/protest raised by more than 10,000 protestors demanding loan waiver, under leadership of former member of Legislative Assembly Mr. Omprakash alias Bachchu Kadu. News item further shows that travellers have experienced 20 kilometer traffic jam and not only private vehicles could not move but also ambulances and police vehicles. On the said National Highway not only lies Nagpur Airport but for approaching National Cancer Institute, the National Highway is required to be used. Role of judiciary in such situation is required to be of proactive nature, it being protector of fundamental rights guaranteed under our Constitution. At the same time right of protestors can also not be ignored. Fact remains that public road, more particularly, a National Highway is blocked by the protestors which certainly violates fundamental right of the citizens to move freely throughout territory of India.

2. Considering urgency involved, I called upon the Registry to verify whether any permission was sought by Mr. Omprakash alias Bachchu Kadu for carrying out protest. Giving knee-jerk response, not only office of Government Pleader, Nagpur but also Registry of this Court has produced order dated 26.10.2025, issued by Senior Police Inspector, Police Station, Beltarodi, Nagpur City under Section 33(1) and 36 of Bombay Police Act. The said document is taken on record and for the purpose of identification is marked as document 'X'. By way of said order dated 26.10.2025, permission was granted to Mr. Omprakash alias Bachchu Kadu to carry out agitation on 28.10.2025 at about 11.00 A.M. and the place of agitation was fixed at "Mouza Parsodi, Survey No. 81, adjoining to Cotton Research Centre, Parsodi, Nagpur". The said permission was thus for 28.10.2025 only. Prima facie, it is clear that without there being any permission, agitation/protest is still continued and problem faced by the public at large has increased. A judicial notice of the fact can be taken that not only Suretech Hospital, several schools are situated adjoining the National Highway but also the National Highway further gives connecting way to Samruddhi Mahamarg.

3. While passing this order I am also guided by the directions given in Public Interest Litigation (LA) No. 25656/2025, issued by this Court at Bombay on 1st September 2025. Suffice it to say that streets and public parks exist primarily for the 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. In view of the aforesaid observation and disturbing situation, following directions are issued:

- i) Respondent Omprakash alias Bachchu Kadu shall forthwith remove himself and his supporters from the streets, more

particularly, the Highway and other roads wherever protest is going on. The removal shall be in peaceful manner without causing any disturbance to law and order situation and public peace.

ii) Any damage to public property by Mr. Omprakash alias Bachchu Kadu or the protestors will be dealt with stern action.

iii) If Mr. Omprakash alias Bachchu Kadu and the protestors fail to remove themselves from the streets and other public places where protest is going on, police authorities including Commissioner of Police, of concerned area so also Superintendent of Police of concerned area as well as Additional Director General of Police, Highway Traffic and all other authorities are directed to take all necessary steps for removal of protestors and restoring flow of traffic to normalcy.

iv) The said exercise shall be done by 6.00 p.m. today. The compliance report be filed by Commissioner of Police, Nagpur City, by tomorrow 11.00 a.m. i.e. by 30.10.2025. At this stage, I may add that if some specially abled persons, senior citizens, women, children etc. are protesting for their cause, they shall be evicted / removed with all dignity. Police authorities are further at liberty to take appropriate action against the protestors, who have acted contrary to the permission dated 26.10.2025, issued by Senior Police Inspector, Police Station, Beltarodi, Nagpur.

v) Learned Government Pleader is requested to communicate this order forthwith either by way of email, WhatsApp etc. to all concerned authorities including Commissioner of Police of concerned area so also Superintendent of Police of concerned area as well as Additional Director General of Police, Highway

Traffic, Nagpur and all other authorities. All the authorities are directed to act on the e-copy of order. Steno copy is granted to learned Government Pleader.

vi) Police authorities are directed to communicate this order to Mr. Omprakash alias Bachchu Kadu.

4. Issue notice to Commissioner of Police, Nagpur City, Nagpur, Collector, Nagpur, Additional Director General of Police, Highway Traffic, Nagpur, Superintendent of Police, Nagpur, Police Station Officer, Police Station, Beltarodi, Nagpur, returnable on 06.11.2025.

5. Mr. Devendra Chavhan, learned Senior Counsel and Government Pleader alongwith Mr. N.S. Rao, AGP waives service for all Government and Police Authorities.

6. Put up for compliance on 30.10.2025, at 11.00 a.m.

(RAJNISH R. VYAS, J)