

Court No. - 40

Case :- WRIT - C No. - 37103 of 2023

Petitioner :- Nirmala Sukh And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mohd. Kalim, Mary Puncha (Sheeb Jose)

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Ram Manohar Narayan Mishra, J.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State respondents.

2. Present writ petition is filed with a prayer to command the respondents not to interfere in religious prayers in every weeks on Saturday and Sunday and ritual ceremonies by the Christian persons assembling at the petitioners society/trust.

3. Petitioner no.1 claims to be President of Masihi Prathna Bhawan Seva Sansthan situated at Purana Pul, Civil Lines, District Azamgarh; petitioner no.2 claims to be President of New Hope Raising Church Trust situated at Village Dharampur Asalpur, Post Daulatabad, Tehsil Sadar, District Azamgarh and petitioner no.3 claims to be Chairman of Jivan Jyoti Charitable Trust situated at Village Renva @ Bhangwa, Post Chanu Bairidh Ghambhipur, District Azamgarh. The said societies are claimed to be public trust, established to work under the framework of its bye-laws and aimed at carrying out welfare, charitable and all such lawful acts as shall be found necessary and incidental to the achievement of the object of the trust. The said trusts are working at their respective trust in vicinity of District Azamgarh. The allegation is levelled against the respondents that they are interfering in religious prayers of the petitioners, which is nothing but an injury to the fundamental rights of the members of the trust as per Art.25, 26, 27 and 28 of the Constitution of India. It is claimed that the petitioner society approached the District Magistrate and the Superintendent of Police for redressal of his grievance but no action has been taken on it.

4. Per contra, learned Addl. Chief Standing Counsel has vehemently opposed the writ petition and submitted that the State has received serious inputs regarding allegation of conversion and

only, thereafter, looking to the law and order situation, the restriction was imposed.

5. Considering the facts and circumstances of the case, we find that holding of religious prayer is not violative of any law that has been shown to us. Under the Constitution every citizen has a right to practice and perform his faith and religious congregation that is, of course, subject to public order. Accordingly, the writ petition stands **disposed of** with observation/ direction to the petitioners to approach the District Magistrate, Azamgarh by moving a fresh application/representation ventilating all their grievances. In case any such application is moved within two weeks' time, we hope and trust that the same shall be considered and decided as per law but certainly after taking necessary comments from the local police.

Order Date :- 8.12.2023

A. Pandey