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Case :- WRIT - C No. - 36714 of 2023

Petitioner :- Abhishek Mishra And Another
Respondent :- State Of UP And 2 Others
Counsel for Petitioner :- Ajay Kumar Singh Yadav, Divyansh
Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.
Hon'ble Ms. Nand Prabha Shukla, J.

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

2. The present writ petition has been preferred for a mandamus commanding the respondent no. 3/Sub Divisional Magistrate, Milak, Rampur to grant permission to the petitioners to organise Shobha Yatra and Jhanki (Tableau) at Tehsil Milak, District Rampur on their annual festival dated 04.11.2023.

3. The brief facts of the case are that the first and second petitioners are Chairman/Mahant and Secretary/Up-Mahant respectively of Sri Balaji Darbar Samiti, 578, Sahukara Qila, Bareilly, which is a registered society under the Societies Registration Act, 1860 since 1935. The petitioners' society organises various religious activities such as Bhajan, Kirtan, Jagran, Tableaus etc. with an object to help the mentally and physically disabled persons. The petitioners' society has various other branches in the district Rampur. It has been claimed that the petitioners' society through its Chairman/first petitioner moved an application on 20.09.2023 to the respondent no. 3/Sub Divisional Magistrate, Tehsil Milak, District Rampur to permit them to organise Shobha Yatra and Tableaux in the said Tehsil on their annual festival, which is scheduled on 4.11.2023 but the said application is not processed till date and on account of inaction on the part of the respondent no. 3, the petitioners have to approach this Court for the aforesaid relief.

4. An impleadment application is also moved on behalf of one Sanjiv Saxena claimed to be President, Shri Bala Ji Darbar Committee, Milak, Rampur claiming therein that he is also necessary party, therefore, before processing the application of the petitioners, he may also be heard. It has also been claimed that the

applicant was also organising Shobha Yatra of Shri Bala ji Darbar every year through his committee and he is eligible for organising the same this year also.

5. On the other hand, learned Additional Chief Standing Counsel fairly states that as claim and counter-claim has been set up in the matter. Let the matter be relegated to the Sub Divisional Magistrate concerned who may examine the claim set up by the parties and accordingly in case there is no other impediment, the adequate permission would be accorded.

6. Considering the facts and circumstances of the case, without advertng on the merits of the issue, we leave it open to the parties to move an appropriate appropriate application before the respondent no. 3/Sub Divisional Magistrate, Tehsil Milak, District Rampur within four days from today. In case any such application is moved within stipulated time, the same would be decided on its merit within three days thereafter but certainly after affording opportunity to all stakeholders in the matter.

7. With the aforesaid observations, the writ petition stands ***disposed of.***

Order Date :- 26.10.2023

Shivani