

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

CRIMINAL WRIT PETITION NO. 228 OF 2022

Shakti Foundation Alandi Devachi,
Tah. Khed, District – Pune,
Regd. No.Mah/876/2020/Pune,
through its President Shri Thakur
Shyamsinh Jiyalal Gadrel,
Aged about 33 years,
R/o. Pension Pura, Paratwada,
Tah. Achalpur, District Amravati.

....PETITIONER

---- VERSUS ----

1. State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai – 400 032.
2. Sub Divisional Police Officer,
Achalpur, Tah. Achalpur,
District – Amravati.
3. Police Inspector, Police Station
Paratwada, Tah. Achalpur,
District – Amravati.

.... RESPONDENTS.

Mr. V. B. Gawali, Advocate for the Petitioner.
Ms M. A. Barabde, A.P.P for the Respondents/State.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 08.04.2022.

ORAL JUDGMENT : [PER: AMIT BORKAR, J.]

1. Heard.
2. **Rule.** Rule made returnable forthwith.

3. By this writ petition under article 226 of the Constitution of India, the petitioner is challenging order dated 05.04.2022 passed by the respondent No.3 refusing to grant permission to the petitioner for conduction procession on the occasion of Ramnavami on 10.04.2022.

4. The petitioner has contended that the respondent No.3 has granted two permissions (1) Shri Ravi Agrawal, Ram Mandir Sadar Bazar, Paratwada and (2) Member of Laxmandas Baba Ram Mandir, Mughlai, Paratwada. He therefore submits that he deserves equal treatment with that of those in whose favour the permission has been granted by the respondent No.3.

5. We have carefully perused the impugned order. It states that the permission has been rejected on the ground that the power to decide the procession's route is with the State Government.

6. On perusal of Section 36 of the Maharashtra Police Act, 1951 it is clear that the power to decide the procession's route is with the Superintendent of Police or Officer not below the rank of Inspector. The impugned order has been passed by the Police Inspector, Paratwada. Therefore, in our view, the Police Inspector,

Police Station, Paratwada has a power to grant permission in relation to route of procession as contemplated by Section 36(c) of the Maharashtra Police Act, 1951.

7. Today Shri Santosh Tale, Police Inspector – respondent No.3 is present in the Court.

8. The learned Advocate for the petitioner states that if the petitioner is granted permission to carry out the procession of Ramnavami on the same terms and conditions, which have been granted in favour of the aforesaid two persons, the grievance would be satisfied. Shri Santosh Tale, Police Inspector states that the permission will be granted to the petitioner on the same terms and conditions and on the same route which has been granted in favour of the aforesaid two persons.

9. The route in relation to which the permission was granted to aforesaid two persons is as under :

Sankat Mochan Hanuman Mandir – Mahavir Chowk – Jagdamba Chowk – Durani Chowk – Sadar Bazar – Police Station Chowk – T. V. Tower Chowk – Durani Chowk – Jagdamba Chowk – Mahavir Chowk – Sankat Mochan Hanuman Mandir.

10. The learned Advocate for the petitioner states that the members of the petitioner's society shall undertake not to perform any act which will create law and order situation in the said area. He also undertakes that the procession will be over by 10.00 p.m. on 10.04.2022.

11. In view of the statement made by the respondent No.3 and agreed by the learned Advocate for the petitioner, nothing remains to be adjudicated in this petition. The petition is therefore disposed of in terms of undertakings recorded as above.

12. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

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