

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Writ Petition No.6076 of 2022**

1. Bhandara Nagar Vijaya Dashami Utsav Samiti,
through its President
Sanjay Bhaiyyaji Kumbhalkar,
Aged about 50 years,
Occu: Business,
Rajendra Ward, Shukrawari,
Bhandara.
2. Sanjay S/o Bhaiyyaji Kumbhalkar,
Aged about 50 years,
Occupation- Business,
Resident of Tulsi Nagar,
Khat Road, Bhandara.

... Petitioners

Versus

1. Union of India,
Ministry of Railways,
through its Secretary,
New Delhi.
2. South Eastern Central Railway,
Nagpur,
through its Divisional Engineer/
Central, South Eastern Central Railway,
Nagpur.

... Respondents

Shri M.P. Khajanchi, Advocate for Petitioners.
Shri N.S. Deshpande, Deputy Solicitor General of India for
Respondents

**CORAM : SUNIL B. SHUKRE & G.A. SANAP, JJ.
DATE : 3rd OCTOBER, 2022**

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally by

consent of the learned counsel for the parties.

2. It is seen from the documents placed on record by both the sides that now there are two factions of Bhandara Nagar Vijaya Dashami Utsav Samiti, which are to celebrate Vijaya Dashami festival on 5-10-2022. It is further seen that both these factions were granted permission to hold their celebrations within the areas allotted to them, out of huge ground having area of about 22,500 square meters, but later on, on the ground that inconvenience would be caused to the all concerned, the permission earlier granted to the petitioners was cancelled by the respondent No.2. We do not know as to how suddenly the reason of 'inconvenience', has cropped up when it was also a factor to be considered at the time when the permission to hold the celebrations was granted to both the factions. Now the situation is that the Tahsildar, Bhandara, has revoked his no objection granted to the faction of the petitioners for holding their celebrations, citing the reason that this petition is pending. This revocation of no objection is also subject to the final result of the petition. It is not the case of the Tahsildar that there would be some issue about law and order disturbance if both the factions are permitted to have their own celebrations within the areas separately earmarked for them.

3. In view of above, we direct the respondent No.2 to re-consider the whole issue of grant of permission to hold Vijaya Dashami

celebrations in the context of disturbance of law and order situation, and if it is found that there would be disturbance of law and order, the respondent No.2 would be at liberty to take a fresh decision in respect of Vijaya Dashami Utsav celebrations proposed by any of the factions. We also make it clear that if any disturbance of law and order situation is created on account of grant of permission to any of the factions, the responsibility shall lie upon the shoulder of the respondent No.2.

4. In view of above, we dispose of the petition. Rule accordingly. No costs.

5. Steno copy of this order be furnished to both the sides.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar