



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

WRIT PETITION NO.5954 of 2023

Kawad Yatra Utsav Samiti through its Vice President-Rupesh S.Bhoyar
vs.

State of Maharashtra through Commissioner of Police, Amravati and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri PK.Bezalwar, Advocate for petitioner.
Shri A.S.Fulzele, Additional Government Pleader for respondents.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 8th SEPTEMBER 2023

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By the present petitioner, the petitioner-Association seeks permission to organize 'Kawad Yatra' on 11.09.2023. It is prayed that the respondent nos. 1 and 2 be directed to grant such permission in terms of the request made by the petitioner on 21.08.2023.

2. Shri A.S.Fulzele, learned Additional Government Pleader for respondent nos. 1 and 2 on instructions submits that by an order dated 28.08.2023 said permission has been granted by the Police Station Officer, P. S. Nandgaon-Khandeshwar by imposing certain terms and conditions.

3. Shri P. K. Bezalwar, learned counsel for the petitioner submits that as per Clause 7 of said permission, it would not be permissible to operate the DJ Sound System. He submits that this restriction is unreasonable. Support is sought to be taken of the observations in **Civil Appeal No.(S) No.2691 of 2021** (*Sachin Kashyap and ors. vs. Sushil Chandra Srivastava and ors.*) dated 15.07.2021.

4. We find that as per Clauses 3 and 4 of the said permission use of traditional instruments as well as loudspeaker has been permitted subject to maintaining the decibel level of the sound. Since permission

has been duly granted to the petitioner on 28.08.2023, it is free to organize the Kawad Yatra in accordance with the said permission.

As regards the restriction on playing DJ Sound System is concerned, the order dated 28.08.2023 refers to a ban on its playing as imposed by the State Government. We have not been shown any provision that authorises the petitioner to use the DJ Sound System notwithstanding such ban. The observations in *Sachin Kashyap* (supra) indicate that the parties therein were permitted to play the music/DJ only in accordance with law and after obtaining requisite licence/permission from the concerned authorities. These observations do not support the case of the petitioner since we have not been shown as to how the refusal to permit use of DJ Sound System is contrary to law.

5. With the aforesaid observations, the writ petition is disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.