



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

CRIMINAL WRIT PETITION NO. 43 OF 2024

- | | | |
|--|---|------------------------|
| <p>1. Hazrat Jaman Jatti Shah (Jamanshah) Dargah Committee a Public Trust and Wakf, having its Office at Aastane Mubarak, Jamanchattishah Ward, Lalpeth, Chandrapur, Through its President Naseemkhan Hameedkhan Pathan</p> <p>2. Naseemkhan Hameedkhan Pathan
Aged adult, Resident of Lalpeth, Chandrapur</p> | } | ... Petitioners |
|--|---|------------------------|

Versus

- | | | |
|---|---|------------------------|
| <p>1. State of Maharashtra,
Through its Secretary in the Ministry of Home, Mantralaya, Mumbai 400 032.</p> <p>2. Superintendent of Police,
Chandrapur City,
Chandrapur.</p> <p>3. Police Station Officer,
City Police Station, Chandrapur.</p> <p>4. Sub – Divisional Magistrate, Chandrapur.</p> | } | ... Respondents |
|---|---|------------------------|

Mr. S.V. Bhutada, Advocate for petitioners.

Mr. J.Y. Ghurde, APP for respondent Nos.1 to 4.

**CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.**

DATE : 15.01.2024.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Rule. Rule made returnable forthwith. Heard finally
by consent of both the learned counsel for the parties.

(2) The Petitioner No.2 is President of Petitioner No.1-Trust which is a Public Trust and Wakf. The petitioners have applied to the police for grant of permission to conduct religious programme namely “Urs” scheduled in between 16.01.2024 to 18.01.2024. According to petitioners, permission was not granted but, police issued a notice in terms of Section 68 of the Maharashtra Police Act. It is petitioners’ case that on 11.12.2023, they have applied to the police for permission, however, instead of processing the application, the above notice has been issued.

(3) Learned counsel for petitioners has tendered copies of the permission granted in favour of petitioners in preceding years which are dated 23.04.2015, 07.04.2016, 16.03.2018, 07.03.2019 and 20.02.2020, the said permission was with certain conditions imposed at the relevant time.

(4) Respondents have filed reply stating that since last few years there is a dispute among the members of the Executive Committee and there are two fractions. The dispute is pending before the Charity Commissioner. Since the year 2017, elections are not held. It is expressed that if petitioners are allowed to conduct the

programme then it may raise unrest. Since, despite disputes, each year permission was granted, there is no special reason mentioned for denial. Certainly, petitioners have to abide by the orders passed by Administration in terms of the Maharashtra Police Act. In view of that, the petition is partly allowed. The respondent shall grant permission by imposing all suitable conditions which they deem fit.

(5) Necessary orders shall be passed forthwith on receipt of copy of this order.

(6) The petition stands disposed of accordingly.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity