



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

CRIMINAL WRIT PETITION NO. 768 OF 2023

Mr. Pawan Shamsundar Sarda and others
Vs
State of Maharashtra and others.

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

Court's or Judge's Order

Mr. R.M. Bhangde, counsel for petitioners.
Mr. S.S. Doifode, APP for respondent Nos.1 to 5/State.
Mr. Supreet Singh Bagga, counsel for respondent No.6.
Mr. S.S. Sanyal, counsel for respondent No.7.

CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ

DATED : 17/09/2025.

1. Heard.
2. On 3/9/2025, following order was passed:-

“1. Heard for sometime. The issue pertains to permission dated 13.10.2023 granted by the Assistant Police Commissioner, Sitaburdi Nagpur, to hold Garba Festival for the period from 15.10.2023 to 24.10.2023. While granting permission, the authority incorporated a clause stating therein that if the terms and conditions of the permissions, which includes maintaining the sound decibel within limit, are not followed, the permission will be cancelled.

2. The petitioners are residents of the locality where Garba Festival was to undertake. Petitioner No.1 lodged complaint on 16.10.2023 stating therein that the sound of Garba Festival exceeded permissible limit. Accordingly, the Police Officials had been to the spot and noted the decibel sounds on 19.10.2023 to 22.10.2023 and found that, it exceeded the permissible limit.

3. The argument is that despite such a status, permission was not cancelled. The petition was then filed on

18.10.2023 and despite such status, the cognizance has been not taken by respondent Nos.1 to 6.

4. In fact, in this regard, an order came to be passed on 20.10.2023 which reads as under :-

“ Heard at some length. By keeping all points open, by consent, the following order is passed.

2. Mr. Samarth, learned senior counsel appearing for respondent No.6 upon instructions, made a statement that the respondent No.6 Organization would perform the religious programme strictly in accordance with the conditions imposed in the Police communication dated 13.10.2023.

3. Respondent Nos. 3 to 5 i.e. the Police Authorities shall strictly implement the conditions imposed by them on respondent No.6, and if found to be violated, shall take appropriate action in accordance with law.

4. It is agreed that respondent No.6 would appoint independent agency who would monitor the sound level continuously during the entire festival. The concerned Police shall check the same periodically and if found violation of conditions then take appropriate steps in any manner.

5. The petitioners are at liberty to go through the report on the next morning. Obviously, the petitioners shall not interrupt in the religious function.

6. Stand over to 27.10.2023.”

5. As could be seen, respondent No.6 made a statement that they would perform religious programme strictly in accordance with the impugned communication. Thereupon the Court directed respondent Nos.3 to 5 to ensure strict implementation of condition and in case of violation, to take appropriate action. Despite such status, the respondent No.6 is said to have violated conditions but no action was taken.

6. The respondent Nos.3 to 5 shall file reply to above submissions. Stand over to 16.09.2025.

7. All the concerned to act upon authentic copy of this order.

3. Thus, the issue is as regards revocation of permission granted on 13/10/2023 by respondent No.4.

4. The order dated 03/09/2025 indicates that despite directions given by the Court to respondent Nos. 3 to 5 to ensure strict implementation of condition, and in case of violation, to take appropriate action, the respondent No.6 has failed to adhere to the condition, while performing the religious programme, namely, “Garba”.

5. In the present case, the complaint was lodged on 16/10/2023 saying that noise level was above permissible limit, and to be precise, it was ranging from 75 dB to 83 dB during 20:30 hours to 21:40 hours on 15/09/2023. Thereafter, respondent No.5 – Sitabuldi Police Station visited the spot from 19/10/2023 to 22/10/2023 and recorded the noise level. The maximum level of noise was noted in the range from 73.8 dB to 103.9 dB. Accordingly, respondent No.5 lodged a report with respondent No.7.

6. Mr. S.S. Sanyal, learned counsel appearing for respondent No.7 submits that upon the report, so received, respondent No.7 has initiated action against respondent No.6. The respondent No.7 has filed complaint before the Jurisdictional Magistrate, and same is pending.

7. At this stage, counsel for petitioner has invited our attention to order dated 20/10/2023, which is

also a part of the order, which we have passed on 03/09/2025. On that day i.e. on 20/10/2023 the counsel appearing for respondent No.6, upon instructions, made a statement that respondent No.6/Organization would perform the religious programme strictly in accordance with the conditions imposed in the Police Communication dated 13/10/2023.

8. Thus, the statement was made on 20/10/2023. The respondent No.6 has, thereafter, violated the condition on 21/10/2023 and 22/10/2023.

9. That being so, and since respondent no.6 flouted the conditions, as also the statement made before the Court, we deem it appropriate to quash and set aside the permission dated 13/10/2023 issued by respondent No.4. Order accordingly.

10. The writ petition is disposed of, in the above terms.

(SIDDHESHWAR S. THOMBRE, J.)

(ANIL. L. PANSARE, J.)