



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

WRIT PETITION NO. 1375 OF 2026

PETITIONER : Vinodkumar S/o. Gautam Tajane, Aged about 42 Years, Occ. Field Labour, R/o. Anjankheda, Post Washim, Distt. Washim.

//VERSUS//

RESPONDENTS : 1. State of Maharashtra, through its Secretary, Home Department, Mantralaya Mumbai-32.
2. The Collector, Washim, Dist. Washim.
3. Superintendent of Police, Washim, Dist. Washim.
4. Inspector/Police Station Officer (Rural), Distt. Washim.
5. The Tahsildar, Taluka Washim, Distt. Washim.

Ms. Janhavi Nagdeve, Advocate h/f. Mr. P.S. Wathore, Advocate for the Petitioner.

Mr. N.S. Rao, AGP for the Respondents/State.

CORAM : ANIL S. KILOR AND
RAJ D. WAKODE, JJ.

DATE : 9th APRIL, 2026.

ORAL JUDGMENT (PER : RAJ D. WAKODE, J.)

Heard Ms. Janhavi Nagdeve, learned counsel holding for Mr. P.S. Wathore, learned counsel for the petitioner, and Mr. N.S. Rao, learned AGP for the respondents/State.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the parties.

3. The petitioner is the Vice-President of the Trust, namely *Bhimshakti Navyuvak Jayanti Utsav Mandal, Anjankheda*, Tahsil and District Washim, bearing Registration No. F-0012303 (WSM). A copy of the Registration Certificate dated 30th July, 2024, issued by the Assistant Charity Commissioner, Washim Division, Washim, is at record page No.21 (Annexure-B).

4. The petitioner submitted an application on 19th January, 2026, to respondent No.4, i.e., the Police Station Officer, Washim (Rural), seeking permission to carry out a procession on the occasion of the celebration of the 136th Birth Anniversary of Dr. B. R. Ambedkar. The said application came to be rejected by respondent No.4 *vide* communication dated 6th February, 2026.

5. Being aggrieved by the said rejection, the petitioner has approached this Court by way of the present writ petition.

6. A perusal of the impugned communication reveals that the application has been rejected primarily on the following grounds:

- (i) Shortage of police force,
- (ii) Possibility of disturbance to law and order, and

(iii) Alleged criminal antecedents of certain persons belonging to the petitioner's Trust.

7. Learned counsel for the petitioner has vehemently argued that the rejection at the behest of respondent No.4 is arbitrary and violative of the fundamental rights guaranteed under the Constitution of India. She further submits that the petitioner is willing to abide by any reasonable conditions imposed by the authorities if permission is granted by this Court.

8. Learned AGP has placed on record the communication issued by respondent No.4, reiterating the same grounds as mentioned in the impugned communication for rejecting the application. He submits that, in view of administrative constraints and apprehension of breach of peace, the permission has been rightly denied, and there is no merit in the present writ petition. Hence, the same deserves to be dismissed.

9. We have considered the rival submissions and perused the material on record. Upon such consideration, we are of the view that the reasons assigned in the impugned order are general in nature and are not sufficient to deny the petitioner the right to carry out a peaceful procession.

10. It is well settled that the right to assemble peacefully and to take out processions is a fundamental right guaranteed under Article 19(1)(b) of the Constitution of India. Such right, no doubt, is subject to reasonable restrictions in the interest of public order; however, the power to regulate does not extend to an arbitrary prohibition.

11. The ground of shortage of police force, in particular, cannot be a valid justification to deny the exercise of a fundamental right. It is the duty of the State to make appropriate arrangements to ensure that lawful activities are carried out in a peaceful manner. Similarly, vague apprehensions of breach of peace, without any concrete material, cannot be a ground to reject the request outright.

12. So far as the third ground for rejection of the petitioner's application is concerned, namely the alleged criminal antecedents of three persons associated with the petitioner's Trust, learned counsel for the petitioner has placed on record an affidavit along with a copy of the Resolution dated 30th April, 2025, passed by the Executive Body of *Bhimshakti Navyuvak Jayanti Utsav Mandal, Anjankheda*. By the said Resolution, it was unanimously resolved that, in view of the criminal offences registered against Mr. Deepak Subhash Ingole, Mr. Raju Subhash Ingole, and Mr. Devanand Vasanta Ingole, they be removed from the petitioner's Trust, and new members be inducted in their place.

13. Learned counsel for the petitioner submits that the aforesaid action of removal of such members, on account of their criminal antecedents, was taken more than a year prior, i.e., on 30th April, 2025. Therefore, the said ground relied upon by respondent No.4 for rejection of the petitioner's application no longer survives and loses its force.

14. In view of the above, in our considered opinion, the appropriate course for the respondent authorities is to regulate the procession by imposing suitable conditions so as to maintain law and order, rather than to prohibit it altogether.

15. Accordingly, we allow the present writ petition in the following terms:

(i) The impugned communication dated 6th February, 2026, issued by respondent No.4, i.e., the Police Station Officer, Washim (Rural), is hereby quashed and set aside.

(ii) The application dated 19th January, 2026, submitted by the petitioner for grant of permission to carry out a procession on the occasion of the 136th Birth Anniversary of Dr. B. R. Ambedkar, is hereby allowed; however, only for 14th April, 2026, as prayed in prayer Clause (i).

(iii) The petitioner is permitted to take out the procession on 14th April, 2026, on the occasion of the 136th Birth Anniversary of Dr. B. R. Ambedkar, subject to the following conditions:

CONDITIONS

- (a) The procession shall be conducted only on the route specified in the application, or such modified route as may be approved by the Police Authorities.
- (b) The procession shall be conducted within the time permitted by the Police Authorities and shall not cause obstruction to traffic or inconvenience to the general public.
- (c) The participants shall maintain strict discipline and shall not indulge in any act which may disturb public order.
- (d) No participant shall carry any weapon, stick, lathi or any object capable of causing injury.
- (e) No slogans, speeches or songs shall be made which are inflammatory or which hurt the sentiments of any religion, caste or community.
- (f) Use of sound system shall be strictly in accordance with law and within permissible limits.
- (g) The organizers shall deploy sufficient volunteers to regular the procession and ensure orderly conduct.

- (h) The organizers shall submit details of responsible persons to the Police Authorities in advance and shall extend full cooperation.
- (i) The Police Authorities shall be at liberty to impose additional reasonable conditions in the interest of public order and to regular traffic.
- (j) In the event of breach of any of the above conditions, it shall be open to the Police Authorities to take appropriate action in accordance with law.
- (k) The organizers shall be responsible for any damage caused to public or private property and shall be liable to compensate the same.

16. The respondent authorities shall make necessary bandobast and ensure that the procession is conducted peacefully in compliance of the aforesaid conditions imposed by this Court.

17. The writ petition is accordingly disposed in above terms.
No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Vijaykumar