



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

WRIT PETITION NO.6151 OF 2026

Petitioner

- : 1) Deepak S/o Devidas Nechwani,
Aged about 42 years Occ. Social Service,
R/o Bhagwa Ghar No.544, Opposite
Patanjali,
Walker Road, Mahal, Nagpur-440032 in
his personal capacity as Organiser of
(Bharatt Mata Sewa Sangathan)

..VERSUS..

Respondents

- : 1) State of Maharashtra,
through its Principal Secretary,
Home Department, Mantralaya,
Mumbai- 400032
- 2) The Commissioner of Police,
Nagpur City, Civil Lines,
Nagpur- 440001
- 3) The Deputy Commissioner of Police,
Division No. 3 (Zone-3),
Nagpur City, Old Bhandara Road,
Beside Lakadganj Police Station,
Nagpur 440008
- 4) The Senior Police Inspector,
Police Station Kotwali,
Kelibagh Road, Mahal,
Nagpur – 440032
- 5) The Senior Police Inspector,
Police Station Tahsil,



Nagpur City - 440002

Mr. Sahil Mate along with Mr. Nikhil Waghmare, Advocates for petitioner
Mr. D.V. Chauhan, Government Pleader/Senior Advocate a/b Mr. N.S. Rao, AGP
for the respondent/State

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 14.08.2026.

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.
2. This matter was first time listed on 11.08.2026 on which date the learned Government Pleader appeared in the matter on behalf of the respondent Nos.1 to 5/State and requested for keeping the matter on 13.08.2026. On 13.08.2026, the respondent No.3 has filed its reply on affidavit and by consent, the matter is heard today for further consideration.
3. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.
4. In the present petition, a challenge is raised to the



order dated 01.08.2026 passed by the Deputy Commissioner of Police, Zone No.3, Nagpur City, refusing the permission to take out the Kavad Yatra on 16.08.2026. The petitioner also raises challenge to the report dated 31.07.2026 passed by the Senior Police Inspector, Police Station, Tahsil, Nagpur City.

5. The brief facts of the present case are as under:

The petitioner is the organizer of Bharat Mata Sewa Sangathan, Nagpur, an organization engaged in religious and social activities. It is the case of the petitioner that in past, the petitioner had organized several religious programs which were conducted peacefully. In the said backdrop, the petitioner applied for permission to take out procession of about 3.5 k.m., during which consecrated water drawn from Mahadeo Ghat would be carried in a *Kanwar* for performing *Jalabhishek*, the ritual bathing of the *Shivling*.

6. The learned counsel for the petitioner submits that the permission for the Kawad Yatra was refused without calling a single member from the petitioner's side, without notice, and



without giving him a hearing or discussing any adverse material with him.

7. It is submitted that India is a Secular Country and any procession, including the religious procession can be conducted through all roads and streets without any restriction. It is submitted that any procession, including the other procession cannot be prohibited or denied merely because any other religious group is residing or doing business in the area predominantly.

8. The learned counsel for the petitioner further argued that every religious group like the petitioner's has a fundamental right to take out the religious procession through any road. Merely because there are places of worship belonging to other religious groups, the same cannot be a ground to decline or deny the permission to conduct procession. For this purpose, he has placed reliance upon the judgment in the case of *Himat Lal K. Shah Vs. Commr. Of Police, Ahmedabad*, reported in (1973) 1 SCC 227, and the judgment of the



Hon'ble Supreme Court of India in the case of *S. Rangarajan Vs. P. Jagjivan Ram*, reported in **(1989) 2 SCC 574**.

9. It is submitted that in the present matter, the reason cited for refusing the permission is that there are mosques in the area adjoining the routes which are suggested by the petitioner for the Kavadi Yatra. It is submitted that same is not permissible. For this purpose, he has placed reliance on the judgment of the Madras High Court in the case of *Ramasamy Udayar Vs. District Collector and others*, reported in **2021 SCC OnLine Mad 1779**.

10. On the other hand, Mr. Chauhan, learned Government Pleader/Senior Advocate strongly opposes the prayers of the petitioner. He has firstly clarified that there is no refusal to carry out the procession by the petitioner. He has pointed out that it is not the case where the petitioner has been asked not to take out the procession at all. It is also not the case where the right to practice religion or particular part of it has been prohibited. What has been refused in the impugned



communication, is the use of particular route for taking out the Kavad Yatra.

11. It is submitted that there is absolutely no fundamental right to practice one religion, that may entitle them or to the community to use a particular road for performing the religious rites. It is submitted that the police administration in order to maintain law and public order can suggest an alternate route. It is argued that same has been done in the present matter and therefore, there is no illegality committed by the respondent-police administration. In support of his contention, he has placed reliance on the judgment of the Allahabad High Court passed in Public Interest Litigation No.1495 of 2026 (*Sharif Ahmad and others Vs. State of U.P. and others*), dated 24.06.2026.

12. The learned Government Pleader further argues that in the present matter, there are adverse police reports and there is every likelihood of breach of law and order situation, if permission is granted to the petitioner. It is submitted that the



antecedents of the breach of law and order situation are mentioned in the impugned communication. Thus, considering the antecedents, an alternate route has been suggested and such suggestion was given on the basis of the inputs received by the police administration. He, therefore, submits that it is a settled law that the Courts should not normally interfere with the matter relating to the law and order which primarily is in the domain of administrative authorities concerned. They are by and large the best to assess and to handle the situation depending upon the peculiar needs and necessities, within their special knowledge. He therefore, submits that this Court may not interfere with the impugned communication. In support of his contention, he has placed reliance upon the judgment of the Hon'ble Supreme Court of India in the case of *State of Karnataka Vs. Dr. Praveen Bhai Thogadia*, reported in (2004) 4 SCC 684, and the judgment of the Co-ordinate Bench of this Court passed in Writ Petition No.6170 of 2022 (*Bharat Mukti Morcha and Anr. Vs. The State of Maharashtra and others*), dated 04.10.2022.



13. Having heard the rival contentions of the parties, we have gone through the record.

14. It is imparative to state, at the outset, that the contention of the petitioner, that the respondent No.3 refused the permission to take out the Kavad Yatra is misconceived. In fact, this is not the case where the petitioner has been asked for not to take out the procession at all. In fact, the petitioner was permitted to take out the procession but not on the route as suggested by the petitioner but on the route as suggested by the respondent-police administration.

15. Thus, this is also not the case where the right to practice religion or particular part of it has been prohibited.

16. In the present petition, the insistence of the petitioner is to allow the organizer to take out the procession from the route as suggested by the petitioner and not from the route advised by the police administration.

17. In this backdrop, before considering whether the



petitioner has any right to make such insistence to take out the procession from particular route only, it would be appropriate to reproduce the translations of the impugned communication dated 31.07.2026, which read thus:

*"To,
The Organizer,
Mr. Deepak Mechwani,
Bharat Mata Seva Organisation,
Bharat Mata Seva Organisation,
R/o. Bhagwa House No. 544,
Walker Road, opposite Patanjali,
Mahal, Nagpur City
No. 9356208113, 9096406321*

*Subject:- Regarding denial of permission to organize Kavad Yatra
on 16/08/2026*

*Reference : 1. पोउपआ./विशा/नाग/अनु.3(अ)/हिं.धा/९031/दिनांक
27/07/2026*

*2. पो.ठा. तहसिल जा.कं. वपोनि/पो.ठाणे तहसील/ कावड यात्रा
अहवाल/628/2026 दिनांक 31/07/2026*

3. पो.ठा. कोतवाली जा.कं. 587/2026 दि. 31/07/2026

In accordance with the above subject, the applicant organizer Shri. Deepak Nechwani, Resident of Bhagwa Ghar No. 544, Patanjali opposite to Walker Road, Mahal, Nagpur City Mo.No. 9356208113, 9096406321 led by Bharat Mata Seva Sangatha, Bhagwa Ghar No. 544, Nagpur City on 16/08/2026 at 11.00 am. Kavad Yatra has been organized. And a letter has been submitted to this office for obtaining permission for the said Kavad Yatra. Regarding the Kavad Yatra to be taken out under the leadership of the organizer, Po. station Tehsil Nagpur City and Vaponi Po. station Kotwali Nagpur City have submitted their opinion regarding the objection to the said Kavad Yatra in accordance with the points given below.

Kavad Yatra route starts from Shri. Kalyaneshwar Temple (Badkas Chowk) (Po. Station Kotwali)-Chitnis Park-Agrasen Chowk-Shri.



Uday Mitra Hanuman Temple-Gitanjali Chowk Arya Samaj Temple-Bhagwaghar Chowk-Mominpura Chowk Ansar Nagar-Shri. Ganesh Shiv Temple (Po. station Tehsil) here ends.

Po. station. Tehsil Nagpur City has raised the following issues regarding objections to the Kavad Yatra:

01). The Po. station Tehsil has pointed out that there are a total of 8 mosques along the Kavad Yatra route given by the organizer, namely Khan Masjid, Ahle Hadis Masjid, Jama Masjid, Amanmullah Seth Masjid, Abumia Masjid, Ansar Masjid, Noorani Masjid, Lal Markaz Building.

02) There is 1 Kamal Baba Dargah on this route and the entire route is highly vulnerable to religious evils.

03) The organizer has stated that there is no Hindu temple on the route of the Kavad Yatra given by the organizer.

04) The Senior Police Inspector of Po. station. Kotwali Nagpur city called the organizer to Po. station. and discussed with him and informed the organizer about the ancient and " ॐ " grade Jagruteshwar Shiva Mandir Jagannath Temple within the limits of Po. station. Tehsil. The Senior Police Inspector has informed the organizer about the Kavad Yatra to start from Jagnath Budhwari, although an alternative route was provided, the organizers were not willing to take the Kavad Yatra from there and accordingly, it has been mentioned that they want to go on a Kavad Yatra to the Shiva temple in the city.

05) In the year 2024, on 22/01/2024, in connection with the inauguration ceremony of Ayodhya Ram Temple, while carrying saffron flags at Poddareshwar Ram Temple from Mominpura Chowk to Bhagwaghar Chowk, in front of Jama Masjid at Mominpura, around 15.00 hrs., 10 to 15 unknown persons stopped the complainant and the witnesses on the road and without asking the complainant and the witness anything they threw slippers at them and then when the complainant and the witnesses' vehicle fell down, the accused beat the complainant and the witnesses with slippers, hand and a stick. The report of such a complaint is filed under the crime No. 48/2024. The case was filed under sections 143, 147,148,149,323,324,341 of the IPC.



06) On 17/03/2025, a symbolic grave with a green cloth with a photo of Aurangzeb and a Kalma written on it was burnt by Bajrang Dal, Vishwa Hindu Parishad at Chhatrapati Shivaji Maharaj Statue, Mahal, Nagpur, demanding the removal of Aurangzeb's grave. Due to this, riots broke out between Hindus and Muslims within the limits of Po. station Kotwali, Po. station Ganeshpeth and Po. station Tehsil. Due to this, a law and order issue has arisen in Po. station. Tehsil Nagpur City and a case has been registered with Po. station. Tehsil Nagpur City.

07) When the Senior Police Inspector of Po. station. Tehsil Nagpur City discussed with the organizer and suggested an alternative route, the organizer was not ready to take the Kavad Yatra on the alternative route given by the Senior police Inspector of Po. station. Tehsil Nagpur City and the organizer did not have any religious or pure motive behind taking the said Kavad Yatra and when the Kavad Yatra had never been taken out from a Muslim-majority area before, there was a desire to take the Kavad Yatra from there and create a law and order issue by taking the Kavad Yatra. Accordingly, a report has been submitted stating that there is an objection to taking the said Kavad Yatra.

8) The said organizers have not previously taken any permission for such a procession and the procession itself has not been initiated. The organizers have not taken the permission of the government for the route which they decided for the Kavad yatra. The organizers have sought permission for the Kavad Yatra for the first time this year.

The issues raised by the Nagpur City Police Station regarding the objection to the Kavad Yatra are as follows-

1. The proposed route from the Nagpur City Police Station to the Nagpur City passes through highly congested, commercial and sensitive areas. There is always a large amount of traffic and vehicles.

2. Since the roads on the proposed route are narrow in most places, there is a possibility of serious traffic congestion if a large number of devotees participate.

3. There is a possibility of disruption to the movement of ambulances, fire brigade and other essential service vehicles on



this route.

4. On this day, there will be large gatherings for VVIP, VIP security and other important government programs in the city. Since the police manpower will remain operational, it is not possible to provide the necessary additional police security.

5. Since the proposed route passes through a sensitive and mixed-population area, the possibility of tension, disputes, riots or breach of public peace between two groups over minor reasons cannot be ruled out.

6. If a large crowd gathers, there is a possibility of disturbing public peace, law and order, and the safety of citizens.

7. In the application no separate Traffic Management Plan has been submitted regarding how traffic will be managed during this period.

8. The application does not specify what instruments, speakers, DJs, bands, or other sound equipment will be used in the procession.

9. The application does not mention the estimated number of people who will participate in the event. Therefore, it is not possible to plan the necessary police arrangements.

10. No details have been submitted with the application regarding the number of volunteers in the procession, their names, responsibilities, contact numbers, and whether they will be provided with an identity card, arm band, pass or other official identification.

11. The application does not mention any information regarding the procedures that the organizers will adopt to control any emergency situation that may arise during the procession.

12. No details have been provided regarding the responsible persons appointed by the organizers for crowd control, crowd management, road control, and coordination with the police administration.

13. Due to the above errors, it cannot be ensured that the said



procession will be held in a safe, peaceful and planned manner.

14. It appears that it is not appropriate to grant permission for the said event in view of public peace, law and order, traffic management and protection of life and property of citizens.

The organizers have stated in their comments that if the Kavad Yatra is taken out in the manner mentioned in the letter, there is a high possibility of an untoward incident occurring and creating a law and order issue. Considering the current situation and from the legal point of view, we agree with the comments given by the Senior Police Inspector of po. station Kotwali and Senior Police Inspector of po. station Tehsil Nagpur City and the organizers are granted permission to take out the Kavad Yatra on 16/08/2026 at 11.00 am.

*Sd/-
(Rahul Madane)
Deputy Commissioner of Police
Zone No. 3, Nagpur City"*

18. It is evident from the above referred communication that in paragraphs 5 and 6, there is mention of antecedents wherein the law and order situation has arisen. Considering the past experience and antecedents, the respondent No.3 did not reject the request for taking out the procession straightway but called the organizer and suggested an alternate route to which the organizer did not agree for.

19. Thus, it is evident that there is no refusal of permission from the respondent-authority, on the contrary, the



respondent No.3 agreed to grant permission with a modification in the route suggested by the petitioner. It is further important to note that when the petitioner is insisting for a particular route and when there are adverse police reports, the petitioner is duty bound, considering the antecedents relating to the law and order situation, to provide all the necessary details to the police to satisfy the police that the organizers have taken care of every mandating aspects.

20. However, in this case, it is pointed out by the respondent No.3 from the police report that, no separate traffic management plan, regarding how the traffic will be managed during this period, was submitted. Further the petitioner has not satisfied that what instruments such as speakers, DJ, bands or other sound equipments will be used during the procession. There is also no mention in the application about estimated number of people who will participate in the event. Because of which, it is not possible for the police to plan the necessary police arrangement. There is also absence of details of number



of volunteers in the procession, their names, responsibilities, contact numbers, identity card and names of the organizers or coordinators. No information was provided regarding who are the responsible persons for crowd control, crowd management, road control and coordination with the police administration.

21. In this background, if the police suggested some alternate route considering the situation at the spot, then we do not find any error committed by the respondent No.3.

22. The photographs of the Mahadeo Temple, filed on record apparently show that open space available is only from three sides of the temple and that space is too narrow to even accommodate 50 to 60 persons. Even the access road to such temple is very narrow width-wise and in case of huge crowd, there is every possibility of mishappening or any untoward incident.

23. Thus, considering the location of the temple, which is a part of the procession for performing the pooja by the organizers, the above referred details ought to have submitted



to the police.

24. On a specific query put to the learned counsel for the petitioner that, whether after the impugned communication, issued by the respondent No.3, pointing out the police report and deficiencies in providing information, whether such information was provided subsequently. The answer was surprising. The learned counsel for the petitioner stated that since this information was not called for from the petitioner, it was not supplied.

25. It is further important to note that the temple, which is a part of the Kavad Yatra, is a private property and it does not belong to any trust or the government. The police have also received complaints from the owner of the said temple. The petitioner cannot compel any private person to make him a part of such private temple for Kavad Yatra.

26. The Hon'ble Supreme Court of India in the case of *State of Karnataka and another* (supra) has held thus:

"6. Courts should not normally interfere with matters relating



to law and order which is primarily the domain of the administrative authorities concerned . They are by and large the best to assess and to handle the situation depending upon the peculiar needs and necessities within their special knowledge. Their decision may involve to some extent an element of subjectivity on the basis of materials before them. Past conduct and antecedents of a person or group or an organisation may certainly provide sufficient material or basis for the action contemplated on a reasonable expectation of possible turn of events, which may need to be avoided in public interest and maintenance of law and order. No person, however, big he may assume or claim to be, should be allowed irrespective of the position he may assume or claim to hold in public life to either act in a manner or make speeches which would destroy secularism recognised by the Constitution of India, 1950. Secularism is not to be confused with communal or religious concepts of an individual or a group of persons. It means that State should have no religion of its own and no one could proclaim to make the State have one such or endeavour to create a theocratic state. Persons belonging to different religions live throughout the length and breadth of the country. Each person whatever be his religion must get an assurance from the State that he has the protection of law freely to profess, practice and propagate his religion and freedom of conscience. Otherwise, the rule of law will become replaced by individual perceptions of ones own presumptions of good social order. Therefore, whenever the concerned authorities in charge of law and order find that a person's speeches or actions are likely to trigger communal antagonism and hatred resulting in fissiparous tendencies gaining foot hold undermining and affecting communal harmony, prohibitory orders need necessarily to be passed, to effectively avert such untoward happenings.”

27. From the above referred exposition of law, as discussed by the Hon'ble Supreme Court of India, it is evident that in the matter relating to the law and order, the Courts should not normally interfere with matters relating to law and



order which is primarily the domain of the concerned administrative authorities. They are by and large the best to assess and to handle the situation depending upon the peculiar needs and necessities, within their special knowledge. Past conduct and antecedents of a person or group or an organisation may certainly provide sufficient material or basis for the action contemplated on a reasonable expectation of possible turn of events, which may need to be avoided in public interest and maintenance of law and order. Thus, by applying the above referred principles, we cannot interfere with the police reports placed before the respondent No.3 in the present matter.

28. Similarly, in the case of *Sharif Ahmad and other* (supra), the Division Bench of the Allahabad High Court, has held thus:

“10. So far as permission for the new route to reach the Karbala sought by the petitioners is concerned, the stand of the respondents is that taking the procession on the said route, which is the Sirsi-Bilari Main Road, has been opposed by members of other religious communities, saying that this is not the customary route for the Muharram procession and that they oppose the establishment of a new tradition. It is



their stand that if permission to take out the Tazia/Alam procession along the Sirsi-Bilari Main Road reaching the Karbala is permitted, for one, it would be against the agreement arrived at between parties, including the petitioners and the district administration above referred, and further, that there is opposition by members of other religious communities.

11. It must be remarked that while there is a right guaranteed by the Constitution vide Article 25 to practice one's religion, the exercise of this right is certainly subject to larger interest of law and order, public order and the needs of other sections of the population, that might be adversely affected, if the exercise of the right in a particular manner is insisted upon and permitted. The exercise of a right to practice one's religion is one thing and to practice it in a particular way is different. The earmarking of routes to take out processions, that involve a multitude of people, is a matter that essentially relates to law and order, for which the civil and the police administration bear responsibility. If, upon assessment of the situation, physical and geographical, and opinions of members of other communities, the respondents have taken a decision that a new route, as proposed by the petitioners, cannot be permitted to take out the Tazia procession, there is no right inhering in the petitioners to take out the procession along the particular route that they propose. This is not a case where the petitioners have been asked not to take out the procession at all. It is not a case where the right to the practice of religion or the particular part of it has been prohibited. What has been refused is the use of a particular route for the taking out the Tazia procession, and a fortiori, practice of the religious rites by using a particular route. There is absolutely no fundamental right to the practice of one's religion, that may entitle them or the community to use a particular road for the performance of religious rites. In case, in the opinion of the civil or the police administration or the Government, it would be objected to by members of other religious communities and lead to social frictions; may be, breaches of law and order or public order."

29. From the above referred observations, it is evident



that the right guaranteed by the Constitution of India under Article 25, to practice one's religion is certainly subject to larger interest of law and order, public order and the needs of other sections of the population, that might be adversely affected, if the exercise of the right in a particular manner is insisted upon and permitted.

30. The exercise of right to practice one's religion is one thing and to practice it in a particular way is another.

31. The earmarking of routes to take out processions, that involve a multitude of people, is a matter that essentially relates to law and order, for which the civil and the police administration bear responsibility. If, upon assessment of the situation, physical and geographical, and opinions of members of other communities, the respondents have taken a decision that a new route, as proposed by the petitioners, cannot be permitted to take out the procession, then there is no right inhering in the petitioners to take out the procession along the particular route.



32. In the circumstances, we have no hesitation to hold that the petitioner has no right to compel the respondents to give him permission to take out the procession from the route, as proposed by the petitioner only.

33. The Coordinate Bench of this Court in *Bharat Mukti Morcha and Anr.* (supra), has held thus:

“18. To put the whole concept in different words, we would say that a citizen, while exercising his fundamental right to hold a public meeting, must be mindful of what consequences it would have vis-a-vis the fundamental right of other citizens to live in peace and tranquillity and when there is a reasonable apprehension that the effect of exercise of the right is likely to be of disturbing the social order, any curtailment of the fundamental right to preserve the public order would not be arbitrary and unreasonable on the touchstone of the aforesaid well entrenched principles of law.

*19 to 21 ****

22. So, it is clear that whenever a restriction is imposed in whatever form it is, it must be reasonable and it must stand the scrutiny of judicial review. It must not be arbitrary and excessive and must have a direct and proximate relation with object sought to be achieved by it inasmuch as it must be within the framework of law as prescribed under Article 19(3) of the Constitution, insofar as it seeks to curtail fundamental right to hold a public meeting. Article 19(3) speaks of the grounds on which the restriction on the fundamental right to assemble peaceably and without arms can be imposed. One of the two grounds stated therein is of maintenance of public order. It is argued that the impugned order restricts the fundamental right of the petitioners under Article 19(1)(b) on the ground of maintenance of law and order and not on the ground of preservation of public order and, therefore, it is unreasonable. It is also argued that there is a difference between the expression "law and order" and the words "public order". While it is true that "law and order" is not the ground available under Article 19(3) to restrict the right under Article 19(1)(b), there are instances where a situation starting off as an issue of "law and order" has burgeoned itself into one of "public order" in no time. Let us, therefore, see as to how the difference between these two concepts has been dealt with by the



Supreme Court.

23 to 25 ***

26. *From above discussion, it would be clear that right to hold a public meeting under Article 19(1)(b) can be restricted or curtailed not on the ground of maintenance of law and order but on the ground of preservation of public peace, that there is a distinction between "law and order" and "public order", that it is not necessary that every disturbance of law and order would lead to public disorder though, in a given case there is a possibility that large-scale disturbance of law and order may give rise to an apprehension of breach of public peace and tranquillity and if the apprehension of emergence of public disorder is founded on reasonable material, the fundamental right to hold a public meeting under Article 19(1)(b) can be temporarily curtailed, only to meet an emergency. We may add here that to live in peace and tranquillity is a community right inherent in Article 19(1)(b), which is clear from the words "to assemble peaceably and without arms" used in Article 19(1)(b). It would then follow that whenever there is an apprehension of danger to "greater community interest" or "interest of the collective or social order" it is a situation which threatens public order warranting abridgement of right to hold a public meeting only to meet the emergent situation and temporarily."*

34. It is evident from the observations that whenever there is an apprehension of danger to "greater community interest" or "interest of the collective or social order", it is the situation which threatens the public order which warrants the abridgement of right to take out the procession.

35. As the temple, which is a part of the Kavadi Yatra is a private property and does not belong to any of the trust or the Government institution and as the police have already received the complaints from the owner of the said temple, the petitioner cannot compel any private person to make him the



part of the such private temple of Kavadi Yatra. Thus, on this ground, we do not find any merit in the present petition.

36. Considering the above referred judgment of the Hon'ble Supreme Court in the case of *the State of Karnataka* (supra), relied upon by the learned Government Pleader, we are of the opinion that the judgment cited by the petitioner of Madras High Court in the case of *Ramasamy Udayar* (supra) is not binding upon this Court, though it has a persuasive value. Same is also not helpful to the petitioner in the present facts and circumstances of the present case.

37. The judgment in the case of *Himat Lal K. Shah* (supra) is of no help to the petitioner, as neither there is a prohibition to practice or profess the religion nor the right of the petitioner to assemble or take the procession is infringed.

38. It is important to note that there cannot be any dispute about the law laid down in the cases of *Himat Lal K. Shah* (supra) and *S. Rangarajan* (supra), however, as we have already noted that in the present matter, it is not the case where the petitioner has been asked not to take out the procession at



all, or right to practice religion or particular part of it has been prohibited, therefore the reliance placed by the petitioner on both the above referred judgments in the given facts and circumstances, is misconceived.

39. Having held so, we have reached to the conclusion that there is no illegality committed by the respondent No.3 in not allowing the petitioner to take out the procession from the route as suggested by the petitioner and further suggesting the alternate route to take out the procession. Such decision of the respondent No.3 is fully justified in view of the instances of disturbance of law and order situation arose in past in the said locality. Further, authorities have also considered the issue of public order and passed the order impugned. Hence, we do not find any reason to interfere in writ jurisdiction.

40. Accordingly, the petition is **dismissed**.

Rule stands discharged.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)