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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 37429 OF 2026

Mithila Chhath Puja Sangh ..Petitioner
Versus
State Of Maharashtra
(Through The Principal Secretary) ..Respondent

Mr. Jogendra Thakur, Advocate for the Petitioner.
Mr. Bibhishan Sutar i/by Ms. Komal Punjabi for Respondent-BMC.
Ms. Gauri Sawant, AGP for the Respondent-State.

CORAM : ADVAIT M. SETHNA &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 9th NOVEMBER 2026
(VACATION COURT)

PC :

1. Heard learned Counsel for the parties. The Petition is moved on the ground of extreme urgency by way of a praecipe dated 7th November 2026. The stated urgency is that “CHHAT PUJA” is proposed to be celebrated on 15th November 2026 and 16th November 2026 at Girgaon Chowpatty, Mumbai. The representation of the Petitioner has been refused by the DB Marg Police Station by letter dated 17th September 2026. In such

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circumstances the Petition has been moved on the ground of urgency before the Vacation Court.

2. Having heard Ld. Counsel for the Parties and on perusal of record, it is necessary to reproduce the letter dated 17th September 2026, addressed by the Senior Police Inspector, DB Marg Police Station, to the representative of the Petitioner, which reads thus :

"To,
Shri. Indrajeet Paswan,
Mithila Chhath Puja Sangh,
E 305, Floor 3, B 2,
Nav Maharashtra Nagar Co O So,
B. B. Nakshe Marg, M. P Mill Compound,
Taddeo, Mumbai 400034.
Mob. No. 8452824331

Subject : Regarding the objection of this police station to the construction of a stage for Chhath Puja and arrangements for the puja….

Reference : Your application dt. 11/09/2026.

In view of the above subject and context, we would like to inform you that we have submitted a request to the Police Station for permission to construct a stage for Chhath Puja and make arrangements for the Puja at Girgaon Chowpatty from 15:00 PM on 15/11/2026 to 08:00 AM on 16/11/2026.

In pursuance of the writ petition filed in the Hon'ble High Court, Mumbai, a High Power Committee has been appointed regarding Girgaum Chowpatty and it has been directed that no program other than Ganeshotsav, Navratri Utsav, Ramlila, Krishnalila and Christmas should be allowed at Girgaum Chowpatty and prior permission should be obtained from all other concerned departments."

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> *However, this police station has an objection to allowing you to construct a stage for Chhath Puja and make arrangements for the puja at Girgaon Chowpatty from 15:00 PM on 15/11/2026 to 08:00 AM on 16/11/2026."*

3. Pursuant to the letter, it appears that the Petitioner, through its representative, had made an Application/Representation by way of a letter dated 7th October 2026 to the Hon'ble Chief Minister of Maharashtra for the requisite permission for the said event. The Ld. Counsel for the Petitioner would intimate at the Bar that the same is pending.

4. Ld. AGP appearing for the State has drawn our attention to the Orders passed by this Court. The first is the Order dated 21st June 2018 in Adarsh Chowpatty Pragati Mandal and others in Writ Petition No. 2197 of 1998 with Writ Petition No. 1963 of 2000. This Court in paragraph 23 has issued certain interim directions. The relevant directions are reproduced below :-

> *(i) Three functions which are covered by the guidelines shall be hereafter conducted only on the designated area of 300 x 150 sq.ft. Area as shown in the plan annexed as Exhibits-B and C to the first supplementary report of the Monitoring Committee dated 15th February 2028. No deviation shall be permitted without express permission of this Court;*
>
> *(ii) In any proceedings filed in this Court or in any other*

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> *Court concerning grant of permission for holding function on the said beach or for carrying out/erecting temporary structure and infrastructure, the Monitoring Committee appointed by this Court is a necessary and proper party. We, therefore, make it clear that it is the responsibility and obligation of the State Government and the said Municipal Corporation to bring it to the notice of the concerned Court in which such proceedings are filed that presence of the Monitoring Committee will be necessary for effectively deciding the proceedings;*

5. Our attention is also invited to a decision of this Court dated 13th October 2005 in Writ Petition No. 2197 of 1998. Paragraph 10 of the said judgment is brought to our attention, which refers to certain guidelines that are required to be followed in such matters.

6. On specific query put to the Ld. Counsel for the Petitioner with regard to compliance of paragraph 23 of the decision in Adarsh Chowpatty Pragati Mandal (supra), and more particularly, with regard to the permission of the Monitoring Committee and also the aspect of joining the said committee in the array of parties, the Ld. Counsel for the Petitioner has no satisfactory answer.

7. In the given facts and circumstances, we would also observe that the mandate of Article 25 of the Constitution of India is

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crystal clear. Undoubtedly, there is a freedom of conscience, and free profession, practice and propagation of religion. However, the same is subject to public order, morality and health, as provided in the constitutional provision. In other words, there are checks and balances which are provided and required to be followed, under such constitutional mandate.

8. The Ld. Counsel for the Petitioner would insist us to pass directions with regard to alternate site to perform the event. We express no opinion in this regard. Needless to observe that in this regard, the Petitioner may pursue the remedies as available to him in law.

9. For all of the above reasons, at this stage, we are not inclined to pass any further orders. Let the matter be listed on reopening, in due course.

10. All concerned to act on an authenticated copy of this Order.

(RANJITSINHA RAJA BHONSALE, J.) (ADVAIT M. SETHNA, J.)

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