

AFR**HIGH COURT OF JUDICATURE AT ALLAHABAD****WRIT - C No. - 5996 of 2026**

Munazir Khan

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Wahaj Ahmad Siddiqui
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2**HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.**

(PER: HON'BLE ATUL SREEDHARAN, J.)

1. Pursuant to the last order of this Court, supplementary affidavit has been filed by the petitioner. Details relating to the land and its possession with the petitioner and its subsequent dedication to the Waqf by the grandfather of the petitioner, whose name is Chhidda Khan in the year 1995, allegedly for the construction of a Mosque has been mentioned in paragraph 3 of the supplementary affidavit.

2. Sri Manish Goyal, learned Additional Advocate General assisted by Ms. Priyanka Midha, learned Additional Chief Standing Counsel appearing on behalf of the State has referred to the last order that was passed by this Court in this case, which is of date 27.02.2026 and has sought to explain that purported anomaly that has crept into paragraph- 4 of the said order, wherein this Court has recorded that permission was granted only to the extent of twenty worshipers, who may offer Namaz, whereas the petitioner says a large number of persons may come to offer Namaz as it is Ramzan time within the said premises. This contention of the State was rejected by this Court which for the sake of brevity is not being reiterated herein, but the same has been stated in paragraph 4 of the aforementioned order.

3. Suffice it to say this Court held that there can be no constraint on the number of worshipers, who may worship at the given point of time and the

reason given by the State relating to public order/law and order was rejected.

4. Learned Additional Advocate General has informed this Court that the same was incorrectly mentioned by the petitioner's counsel in the writ petition as no details have been given as to who has restricted the number of worshipers to twenty alone, we have considered the submission put forth by the learned Additional Advocate General but are unable to agree with him with regard to the source of information. The order dated 27.02.2026 was passed in open Court with both sides present. No objection was taken by the State with regard to any discrepancy of the factual aspects relating to the number of worshipers, who are permitted to offer Namaz in the said premises, when the order was being dictated. However, in the aforementioned order, this Court has stated the basis for having passed the operative portion in paragraph 6 of the said order. Therefore, if the said order was imperfect on facts on account of misrepresentation by the petitioner, the counsels appearing for the State would have very well prevented this Court from recording that fact in the said order.

5. However today, after having gone through the supplementary affidavit, which has given photographs of the premises, where the prayers are to be conducted, this Court opines that the structure is not a mosque, as on date. The photograph reflects that on the left hand side, there is a two-storey structure and on the right hand side, arrangements have been made for two washrooms. The said place has been used for the purpose of offering Namaz earlier, there shall be no obstruction offered to the devotees for prayers to be offered at the same place.

6. We are of the view that this petition can be disposed of by directing the State, yet again, to be fully cognizant of the order passed by this Court in **Maranatha Full Gospel Ministries Vs. State of U.P. and 2 others, 2026:AHC:18364-DB**, where on the instructions of State itself, this Court had directed that there can be no impediment/embargo with regard to prayers/religious function being conducted within the private premises of a person irrespective of the denomination of faith he belongs to.

7. Any objection taken by any person (individual or group) against prayers being conducted in a private space, should be taken cognizance of by the

State and if need be, protection be accorded to the place of worship and the worshipers.

8. The State has yet again reiterated what it has stated in the past that the State shall not interfere and interrupt worship carried out by any denomination in their private properties or at their respective places of worship. The petitioner is also directed to ensure that the traditions that have continuously been followed since 1995 with regard to worship at that place, shall be followed strictly.

9. While parting with this case, this Court deems it essential to state here, that the elucidation of article 25 of the Indian Constitution by this Court, is not to be construed as giving any special status to the adherents of the Islamic faith in India. This Court has only laid down that article 25 gives every religion and faith in India an equal and immutable right to profess (declare his/her faith) practice (rituals, prayers, ceremonies and festivals) and propagate (to teach tenets and practices of a faith to others) equally across the board without any "ifs and buts", subject only to public order, morality and health, which also prohibits actions and speech having the propensity to vitiate public order by pitting one religious denomination against the other, which would take the proscribed act beyond the scope of the protection of article 25 and expose the person to the full rigours of the criminal law.

10. Congregating for prayer is a facet of the Abrahamic faiths. The Jews congregate in synagogues for Shabbath on Friday, and Saturday is a faith ordained day of rest and spiritual reflection. The Christians congregate in churches for Sunday mass and the muslims congregate in mosques for the Friday afternoon prayer. Eastern faiths like Hinduism, Buddhism by contrast don't have fixed days for community congregations for worship in temples and the community congregates for celebration (which includes worship) of festivals. Article 25 protects the right to congregate for worship to every religious denomination in this country but the same does not protect such acts and utterances which are devoid of the primary purpose of the congregation, which is prayer. By no stretch of imagination does article 25 accord protection to incitement of one faith by the other in the garb of prayer and that must be borne in mind by the adherents of all faiths/religions.

11. Article 25 is religion and faith neutral, and the freedom of conscience

that it protects, enables equally an atheist to profess, practice and propagate that there is no God, on the anvil of logic, reason and science.

12. The glory of this republic of 1.4 billion of the earth's humanity lies in her resilience and strength, arising from her historical, religious, cultural and linguistic diversity, like no other nation state on this planet with every major religion, culture and varied languages having co-existed for centuries in peace, harmony and mutual respect, formalised by article 25 of the Constitution of India after the same came into force.

13. With the above, the writ petition stands **disposed** of.

14. The State is requested to ensure that a copy of this order reaches Director General of Police, U.P. and Additional Chief Secretary (Home), U.P. for the purpose of circulation right down to the lowest law enforcement authority in the State.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

March 16, 2026

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