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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7303 OF 2020

The Takht Sachkhand Shri Hazur
Apchalnagar Sahib Board, Nanded
Through its Secretary,
Ravinder Singh s/o Asha Singh Bungai

...Petitioner

Versus

The Union of India and Ors.

...Respondents

Mr R.S. Deshmukh, Senior Counsel i/by
Mr Devang Deshmukh, Advocate and
Mr I.S. Godsay, Advocate for Petitioner
Mr A.G. Talhar, A.S.G. for Respondent Nos. 1 and 2
Mr Ashutosh Kumbhakoni, Advocate General
Mr Devdatta Kamat, Senior Counsel along with
Mr Rahul Chitnis, Advocate i/by Mr D.R. Kale,
Incharge Government Pleader for Respondent Nos. 3 to 5

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd OCTOBER, 2020

PER COURT :

1. The present petition is filed invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India assailing the order dated 21.10.2020 passed by the Secretary, the Disaster Management, Relief and Rehabilitation, Revenue and Forests Department, M.S. Mantralaya, Mumbai, whereby representation of

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the petitioner to celebrate/conduct the Dussehra, Takhat Isnan, Dipmala Mahalla, Gurta Gaddi Kirtan and Gurta-Gaddi Sampathi Kirtan Darbar Nagar Kirtan event at Nanded came to be rejected.

2. We have heard Mr Deshmukh, the learned Senior Counsel for the petitioner, Mr Kumbhakoni, the learned Advocate General and Mr Kamat, the learned Senior Counsel for the respondents.

3. It appears that, the event sought to be conducted has a tradition of three (03) centuries. We asked the learned Advocate for the State to find out some solution for conducting the event as suggested by the petitioner in a restricted manner, the learned Advocate for respondents Mr Kamat thereafter took instructions from the State and later on the learned Advocate General of the State of Maharashtra also appeared in the matter.

4. Both the parties have agreed that in view of the limited order, that is being passed hereunder, no reasons in support of this Order be recorded, especially since this Order is being passed as and by way of an exception, which is not intended to be used as a Precedent by other persons, to seek permissions, to hold any festival/festivities, which would involve by their very nature congregation of people.

5. The petitioner may celebrate/conduct the Takhat Isnan,

Dipmala Mahalla, Gurta Gaddi Kirtan and Gurta-Gaddi Sampathi
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Kirtan Darbar Nagar Kirtan at the event of Dussehra at Nanded, by
observing following conditions.

i). The petitioner may carry – (1) One Palkhi Sahib with Hon'ble Shri Guru Granth Sahibji, (2) Historical Nishan Sahib 16 numbers (3) Horses of Guru Sahib, 5 numbers, 4) Kirtan Jathe 03 numbers. The same shall be on two large open trucks. Sixteen persons would board on one truck and eight persons would board another truck. The same would be for the distance of 1.5 Kms. as was suggested in the application of the petitioner. The route shall be detailed to the authorities on 24.10.2020.

ii) The petitioner shall get the test of Covid-19 performed of the persons boarding the trucks. Only those persons whose reports are Covid-19 negative shall be permitted to board the trucks. The said open trucks would be accompanied by pilot car and the escort car of the Police Department.

iii) The petitioner shall take videograph of the entire event from the stage of loading and the culmination of the event.

iv) The responsible officer preferably Secretary of the petitioner shall give personal undertaking to the authority of respondent that he would supervise the entire proceedings and that

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no violation of the conditions would take place, so also would be responsible for the proceedings to be conducted as per the terms upon which the permission is granted.

v) Enroute, there shall not be congregation of persons. No person shall accompany the two open trucks on foot.

vi) Proceedings shall commence at 4.00 p.m. and conclude at 5.30 p.m.

6. Writ Petition is disposed of. No costs.

7. The parties to act on authenticate copy.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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