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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 1st OF JANUARY, 2025

WRIT PETITION No. 41978 of 2024

VIJAY KATARA

Versus

PRINCIPAL SECRETARY AND OTHERS

Appearance:

Shri Rajesh Joshi - Advocate for the petitioner.

Shri Mayank Mishra – P.L./G.A. for respondents/State.

ORDER

1] Heard.

2] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“7.1. That, the Hon’ble court may allow this petition and issue a writ to District administration to restate the permission which was issued on 19/12/2024 (P/2).

7.2. The Hon’ble court may be pleased to set aside the impugned order passed by Learned sub divisional magistrate Meghnagar Jhabua, dated 28.12.2024 (P/1)

7.3. Direct the Respondents to provide police protection to ensure peaceful meeting and prevention of any situation of law and order on 01.01.2025.

7.4. Declare action of respondents in withdrawing the permission to the petitioner for holding a prayer meeting at



Gram Gadwada Mehuda Falia Dist Jhabua is arbitrary and constitutionally invalid and violative of Article 14, 19(1)(a), 19(1)(b), 21 and 25 of the Constitution of India.

7.5. That, Hon'ble High Court may kindly be pleased to issue any other writ order or direction looking to the facts and circumstances of the case and the cost of the petition may also be kindly given to the Petitioner."

3] The petitioner's grievance is that he belongs to Christian community, and is a resident of Village – Gadwada, Tehsil – Meghnagar, District – Jhabua. He had applied to the S.D.M., Meghnagar for conducting a New Year programme of Christian community. It was also mentioned in the aforesaid application that the programme shall be conducted strictly in accordance with the guidelines issued. The aforesaid application dated 12.12.2024 was allowed by the S.D.M., vide its order dated 19.12.2024, under certain conditions. However, the petitioner has been served yet another order dated 28.12.2024 issued by the S.D.M., Meghnagar informing that on account of certain objections raised by *Vishva Hindu Parishad*, Malwa Region, District Jhabua, it appears that the programme to be conducted by the petitioner, would cause disturbance and communal harmony, hence, the permission earlier granted to the petitioner on 19.12.2024 has been rejected.

4] Counsel for the petitioner has submitted that before passing the aforesaid order, the petitioner was never informed, and was never given any opportunity of hearing. It is also submitted that even otherwise the aforesaid programme is conducted every year, and has drawn the attention of this Court to an identical application filed for



the last year on 07.12.2023, which was also allowed, and there was no disruption in the communal harmony. Thus, it is submitted that the petition may be allowed, and the impugned order be quashed.

5] Counsel appearing for the State has opposed the prayer, and it is submitted that no illegality has been committed by the S.D.M. in rejecting the application, as he was apprehending the disruption in the communal harmony.

6] Heard counsel for the parties and perused the record.

7] From the record, it is apparent that the petitioner has been conducting such programme since last more than couple of years, which is also evident from the documents filed on record, and in such circumstances, merely on the basis of certain objections raised by the member of one community, the right of the petitioner to assemble and pray as per his religion as guaranteed under Art.25 of the Constitution, cannot be taken away. It is also apparent that the S.D.M. has rejected the permission dated 19.12.2024, only on the asking of member of other community, without even affording any opportunity of hearing to the petitioner. Thus, the petitioner has also been deprived of his valuable right to be heard before passing of an adverse order against him.

8] Be that as it may, this Court does not find any substance in the order of rejection of permission dated 28.12.2024, and accordingly, the same is hereby quashed, and it is directed that the petitioner shall be free to hold the function as allowed earlier by the



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S.D.M. on 19.12.2024. The Collector, Jhabua is also directed to ensure that no disruption takes place, while the aforesaid programme/function is convened.

9] With the aforesaid, the petition stands **allowed** and **disposed of**.

(SUBODH ABHYANKAR)
JUDGE

Pankaj