

Arvind Mishra vs The Commissioner Of Police & Ors. on 9 April, 2025

Author: Sachin Datta

Bench: Sachin Datta

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision

+ W.P.(C) 4017/2025 & CM APPL.18630/2025

ARVIND MISHRA

Through:

versus

THE COMMISSIONER OF POLICE & ORS.

.....Respondent

Through: Mr. Bhagwan Swarup Shukla (CGSC)

along with Mr. Sarvan Kumar, Mr.

Satyam Singh, Mr. Mukesh Pandey,

Advts.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The present petition has been filed by the petitioner being aggrieved by the denial of permission for holding a procession on 12.04.2025, on the occasion of Hanuman Jayanti. It is submitted that a Hanuman Temple has been in existence in Jahangir Puri since time immemorial.

2. It is submitted that the petitioner has been involved in organising procession/s in the area since the year 2010, on the occasion of Hanuman Jayanti. However, since the year 2019, the respondents have not granted the requisite approval/permission for the purpose of holding of procession on the occasion of Hanuman Jayanti.

3. Initially, the grievance raised by the petitioner was that in the previous years as also in the current year, the respondents have been remiss in taking timely decision on the application/s submitted by the petitioner for the purpose of holding procession. Vide order dated 01.04.2025 it was directed as under:-

"1. The present application has been filed by the petitioner being aggrieved by non-grant of permission by the respondents for holding procession/rally on account of Hanuman Jayanti. The said procession/rally is scheduled to be held on 12.04.2025 (eve of Hanuman Jayanti) from Aggarwal Sweets, H/2 Block, Jahangirpuri, to Sankat Mochan Hanuman Mandir, E Block, Jahangirpuri, Delhi.

2. It is averred in the petition that the respondents in the year 2023 had refused permission to the petitioner to carry out the procession at the eleventh hour. It is submitted by the learned counsel on behalf of the petitioner that the respondents have not taken any decision on the applications of the petitioner dated 23.01.2025 and 10.02.2025 till date and apprehends that the aforesaid applications shall be rejected in a similar manner.

3. Issue notice.

4. Learned counsel, as aforesaid, accepts notice on behalf of the respondents. He assures that requisite decision shall be taken by the respondents within a period of one week from today."

4. Consequently, a Status Report has been filed on behalf of the SHO, PS Jahangirpuri wherein it has been mentioned that an incident of riot in the area of Jahangir Puri took place in the year 2022, on the occasion of Hanuman Jayanti, during Shobha Yatra, "in which several rounds of gun firing took place by the rioters and one police personnel sustained gun injury and several other police/public persons also got injured in the riot."

5. It is further stated in the Status Report that after the riots in the year 2022, the permission for procession/Shobha Yatra was not granted to any person, keeping in view the volatile and uncertain situation in the area.

6. In the above circumstances, this Court is not inclined to sit in appeal over the decision taken by the concerned police authorities keeping in mind the security/law and order considerations.

7. However, learned counsel for the petitioners submits that a route can be drawn up for the purpose of holding a limited procession which will allay the concerns of the security agencies/police authorities as regards maintenance of law and order, in the event of such procession being held.

8. Learned standing counsel appearing for the respondents also submits that in the event of a fresh application being submitted by the petitioner, clearly setting out the route and duration of the procession proposed to be held, the same can be considered by the concerned police authorities.

9. It is notable that the learned standing counsel appearing for the respondents has himself referred to a judgment of the Madras High Court 1 in which, the Court frowned upon denial of permission for holding a religious procession on the ground of difficulty expressed by the district administration (in that case) for making necessary arrangements for the peaceful conduct of the procession. Attention in this regard has also been drawn to a judgment of the Calcutta High Court 2. Learned standing counsel accedes that an endeavour be made to accommodate the petitioner's request, and thereby safeguard the petitioner's rights under Article 19 of the Constitution of India.

10. In the circumstances, the present petition is disposed of with liberty to the petitioner to submit a fresh application to the respondent for holding a procession on 12.04.2025, clearly setting out the

route and the duration thereof.

S. Raja Desingu vs. The State of Tamil Nadu and Others in W.P.(C) No. 29039/2023 Anjani Putra Sena vs. State of West Bengal & Ors. In W.P.A. 7118/2025

11. Respondents are directed to endeavour to consider the said application and take an appropriate and timely decision. The authorities may bear in mind that occurrence of an untoward incident in the year 2022, cannot necessarily preclude holding of procession/s on religious occasion/s, as per the prevalent practise in the previous years. It is incumbent on the respondents/police authorities to make adequate security arrangements for the said purpose.

12. Let the matter be suitably examined by the senior officials of the Delhi Police and an appropriate decision be taken and communicated to the petitioner, prior to the date on which the procession is proposed to be held.

13. The present petition stands disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J APRIL 9, 2025