

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14037 of 2020

ORDER:

This writ petition is disposed of at the stage of admission with the consent of the learned counsel appearing for the respective parties.

This writ petition is filed seeking the following relief :-

".....to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the respondents in not granting permission for Bibi ka Alam procession to be carried on elephant as per old customs and traditions of more than 400 years from Bibi ka alawa Dabirpura to Masjid E Ilaahi Chanderghat on 30th August, 2020 on the Eve of Ashura Moharram (10th day) as illegal, arbitrary, unconstitutional and against the principles of natural justice and also in contravention of right of freedom of religion and practice and consequently direct the respondents to facilitate the performance of holy procession keeping in view of the customs and traditions and 400 years old remarkable history of Telangana State on ashura (10th day of Moharram) on caparisoned elephant from Bibi ka alawa dabirpura to Masjid e Ilaahi chanderghat with only concerned people of the institution or 10 devotees"

Heard Mr.P.Venu Gopal, learned Senior counsel representing Sri K.Durga Prasad, learned Counsel appearing for the petitioner and the learned Special Government Pleader attached to the office of the learned Advocate General appearing for the respondents.

It has been contended by the petitioner that it intends to perform the rituals of Moharrum by carrying Alams from Bibi Ka Alawa, Dabirpura to Chaderghat in a peaceful manner and it would not carry out any procession nor involve any elephants for carrying out the procession and only 12 persons would participate to carry the Alams from Bibi Ka Alawa, Dabirpura to Chaderghat.

The ritual is going on since 100 years and the said practice was allowed to be continued.

Learned counsel for the petitioner contends that the petitioner has submitted a representation to the 2nd respondent on 22.08.2020. But, so far, the 2nd respondent has not passed any orders on the said representation and the Moharram is being celebrated on 30.08.2020. Therefore, appropriate orders be passed in the writ petition directing the 2nd respondent to consider the representation submitted by the petitioner on 22.08.2020 and pass appropriate orders in accordance with law. He further submits that similar issue fell for consideration before this Court in respect of Bonalu procession in W.P.No.10295 of 2020 and the said writ petition was disposed of on 16.07.2020 directing the authorities to consider the request of the petitioner therein strictly in terms of the guidelines framed by the Hon'ble Supreme Court in *Jagannath Rath Yatra's Case* and MHA guidelines issued by the Government of India. He further submits that let the authorities consider the case of the petitioner in terms of the guidelines issued by the MHA and as per the guidelines issued in *Jagannath Rath Yatra's Case*.

Learned Special Government Pleader appearing for the respondents contends that MHA guidelines dated 29.07.2020 are in force upto 31.08.2020 and from the said guidelines, it is very clear that no procession or public functions are allowed and further contended that in the South Zone of Hyderabad, there is spike in Corona cases and if such permission is granted, it would not be in the public interest and safety. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that since the 2nd respondent has not passed any orders on the representation submitted by the petitioner on 22.08.2020, the ends of justice would be met, if this writ petition is disposed of directing the 2nd respondent to consider the representation submitted by the petitioner on 22.08.2020 and pass appropriate orders before 30.08.2020 strictly in terms of the guidelines framed by the Hon'ble Supreme Court in *Jagannath Rath Yatra's Case* and the MHA guidelines issued by the Government of India.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 28-08-2020

Note:

Issue C.C. forthwith
(B/O)
Prv

