
(2000) 06 AHC CK 0004
In the Allahabad High Court
Case No : C.M.W.P. No. 27005 of 2000

Hakim Syed Mohammad Ahmad Qadiri	APPELLANT
Vs	
State of U.P. and others	RESPONDENT

Date of Decision : 12-06-2000

Acts Referred:

Constitution of India, 1950 — Article 25

Citation : (2000) 3 AWC 2536

Hon'ble Judges : A.K. Yog, J

Bench : Single Bench

Advocate : Syed Mahmood, for the Appellant;

Judgement

A.K. Yog, J.—Petitioner wants writ of mandamus commanding respondents (authorities in the administration in the district of Saharanpur) to permit the petitioner and the Muslim community of Saharanpur City to hold the procession on the date of birth of Prophet Mohammad Sahib and to direct the respondents not to interfere In the right of the petitioner and Muslim community of Saharanpur to hold procession on the day of date of birth of Prophet Mohammad Sahib and further make suitable arrangement to facilitate the petitioner and Muslim community in holding procession on the day of date of birth of Prophet Mohammad Sahib in city Saharanpur.

2. At the very outset, it may be stated that no such writ can be issued and the present petition is wholly misconceived. Administrative Authorities are In full command of the situation. An application to ensure that the performance of religious rights [subject to condition that It does not Infringe the rights of other citizens of other community in the city) has already been moved before the District Administration (Annexures-2 and 3). There is no allegation that Administrative Authorities are incompetent or otherwise colluded with any other community. The respondent authorities are the best Judge of the situation in their districts. This Court cannot assess the position in any manner.

3. This Court cannot resist but to observe that this petition does not disclose as to what right of the petitioner is being jeopardised, to what extent and what is the apprehension or that the authorities will not be taking due care and precaution as required under law for carrying on procession. Filing of this type of petition, as the present, indirectly cast stigma on other communities and amounts to making a charge against them for no good foundation.

4. It may be further mentioned that right to take procession is not a sacrosanct right. On the other hand, safety, peace and harmony of other community in taking out procession should not be hurt. State and its authorities must place such restrictions as may be deemed fit to ensure protection to life and property to all and to ensure peace and law and order.

5. Writ petition is, accordingly, dismissed in limine.