

(2026) 03 BOM CK 0401

In the Bombay High Court, Kolhapur Bench

Case No : Writ Petition No.2125 Of 2026

Hope of Glory Ministry Trust

APPELLANT

Vs

State of Maharashtra & Anr

RESPONDENT

Date of Decision : 14-03-2026

Acts Referred:

Maharashtra Prevention And Eradication Of Human Sacrifice And Other Inhuman, Evil And Aghori Practices And Black Magic Act, 2013 — Section 3(2), 5

Citation : (2026) 03 BOM CK 0401

Hon'ble Judges : Madhav J. Jamdar, J;Pravin S. Patil, J

Bench : Division Bench

Advocate : Kuldeep Nikam, Pratik Patil, Unmesh Jamdar, Akash B. Dalvi, A. A. Naik, Shyamali Gadre

Final Decision : Disposed Of

Judgement

Madhav J. Jamdar, J

1. Heard Mr. Nikam, learned Counsel appearing for the Petitioner, Mr. Naik, learned AGP, for the Respondent-State of Maharashtra and Ms. Gadre, learned Counsel appearing for Respondent No.2-MIDC.

2. By the present Writ Petition filed under Article 226 of the Constitution of India, the challenge is to the legality and validity of the Notices/Orders dated 9th March 2026 and dated 13th March 2026 issued by Respondent No.1 as well as Communication/Order dated 13th March 2026 of the Respondent No.2-MIDC.

3. Mr. Naik, learned AGP, tenders a letter dated 13th March 2026 of the Maharashtra Industrial Development Corporation ("MIDC") by which earlier permission granted on 10th March 2026 has been revoked.

4. Apart from that, Mr. Nikam, learned Counsel, states that a letter dated 12th March 2026 granting permission and dated 13th March 2026, by which Police Inspector of Sangli Rural Police Station has withdrawn the permission, has remained to be annexed as exhibit. Mr. Nikam, learned Counsel also seeks leave

to amend the prayer clauses.

5. Accordingly, leave as sought is granted. Amendment be carried out forthwith. Reverification is dispensed with.

6. As the impugned Order is dated 13th March 2026 and served on the Petitioner on 14th March 2026 at 02:00 a.m. and as per the contention of the Petitioner, has affected the fundamental rights of the persons who have gathered at an event organized by the Petitioner-Trust the same is urgently mentioned. It is the submission of Mr. Nikam, learned Counsel that about 50,000 persons are attending the said event scheduled to be held from 13th March 2026 to 15th March 2026 and the said event was performed on 13th March 2026 and on 14th March at 02:00 a.m. the Police Authorities have informed the Petitioner that the permission granted for performing the said event has been cancelled and, therefore, the present Writ Petition has been filed on 14th March 2026.

7. In view of the urgency, the permission has been granted to accept the filing of the Writ Petition today i.e. 14th March 2026 and in view of the urgency, the Petition is taken up for hearing immediately.

8. This Petition was heard about 1 hour ago and at that time, Mr. Naik, learned AGP, tendered an Order dated 13th March 2026 issued by Respondent No.2-MIDC and also Mr. Naik, learned AGP tendered an Order dated 13th March 2026 issued by Respondent No.1, Police Inspector, Sangli Rural and, therefore, leave to amend has been granted and the Petitioner was directed to serve the MIDC. Accordingly, Ms. Gadre, learned Counsel appeared for Respondent No.2-MIDC.

9. Perusal of the record shows that the Petitioner-Trust is registered under the Maharashtra Public Trusts Act, 1950 and claims to be organizing various events with respect to the development of the society and also involved in cultural and religious activities. The Petitioner-Trust organized an event called as "Maharashtra Prayer Festival, 2026".

10. Perusal of the record shows that the Petitioner had applied to the Respondent No.2 - MIDC seeking permission to organize the said event from 13th March 2026 to 15th March 2026 and also deposited with Respondent No.2 - MIDC an amount of Rs.1,69,920/- as occupation charges as also deposit of Rs.1,44,000/-. Respondent No.2 - MIDC accordingly granted permission on 10th March 2026 for user of their premises for conducting the said event. Thereafter, following Authorities granted permission:

i. Gram Panchayat - Kavalapur, Taluka - Miraj, District - Sangli (Pages 25-26).

ii. Sangli Miraj and Kupwad City Municipal Corporation including of Fire Brigade Department dated 10th March 2026 (Pages 27-28).

iii. Sangli Rural Police Station, Sangli dated 7th March 2026 for user of the loudspeaker (Pages 28-29).

11. The Petitioner has annexed to the Writ Petition, a letter dated 10th March

2026 of Security Services Private Limited (Pages 31-32) which shows that for assisting the Police Authorities including traffic control and other aspects about 140 private security personnel were appointed to assist the Police Authorities. The Petitioner has also annexed various documents showing that ABC Fire Extinguisher has been installed at the said place by the Petitioner.

12. Perusal of the record further shows that on 9th March 2026, Police Inspector of Sangli Rural Police Station cancelled the permission. One of the important term and condition of the said cancellation letter dated 9th March 2026 is Clause No.6, which reads as under:

13. The Petitioner filed a detailed Reply dated 11th March 2026 to said Notice/Cancellation Order dated 9th March 2026 and inter alia, stated as follows:

14. In view of the Reply dated 11th March 2026 of the Petitioner, the Police Inspector, Sangli Rural Police Station again granted permission dated 12th March 2026 on certain terms and conditions. Clause Nos.3, 4, 5, 6 and 8 of the said permission are relevant and reads as under:

15. Accordingly, the said event was performed on 13th March 2026. It is the contention of the Petitioner that on 14th March 2026 at 02:00 a.m. they were called in the Police Station and the Petitioner was informed that the permission is again cancelled. The said Notice/Order dated 13th March 2026 is at Pages 54-55 of the Petition. The relevant Clauses of said Notice/Order dated 13th March 2026 are Clause Nos.1, 2 and 7, which read as under:

16. Mr. Naik, learned AGP, submits that, in fact FIR being CR No.80 of 2026 is also registered with the Sangli Rural Police Station, District -Sangli for the offences punishable under Section 3(2) of the Maharashtra Prevention And Eradication Of Human Sacrifice And Other Inhuman, Evil And Aghori Practices And Black Magic Act, 2013 ("Black Magic Act") and Sections 223 and 3(5) of the Bharatiya Nyaya Sanhita, 2023. Therefore, Mr. Naik, learned AGP, submitted that the action taken by the Police Authorities is properly taken. It is his submission that the action is legal and, therefore, no interference in the impugned Notices/Orders is warranted.

17. Ms. Gadre, learned Counsel appearing for Respondent No.2-MIDC, submitted that on the basis of the action taken by the Respondent No.1-Police Authorities, Respondent No.2 has cancelled the permission. She further submitted that in fact various permissions are also not produced by the Petitioner before the Respondent No.2.

18. Before considering the contention of Mr. Naik, learned AGP that, as there is FIR has been filed, the permission is withdrawn, it is required to note that, as set out herein above the permissions of the Authorities have been taken by the Petitioner, including of (i) Gram Panchayat, Kavalapur, Taluka - Miraj, District - Sangli, (ii) Sangli Miraj and Kupwad City Municipal Corporation including permission from Fire Brigade Department, (iii) permission for user of the

loudspeaker by Sangli Rural Police Station and other permissions. Thus, there is no substance in the first reason given by the Respondent No.2-MIDC.

19. It is also required to be noted that pursuant to the permission granted by the Respondent No.2-MIDC, event was conducted on 13th March 2026 and thereafter the action has been taken by the MIDC, as the Police Authorities have taken action. Thus, the only reason which is insofar as MIDC is concerned, is permission given by the Police, has been cancelled.

20. Thus, the only issue which is required to be considered is whether the action by the Police in cancelling the permission is legal and valid.

21. As already set out herein above, on 7th March 2026, permission has been granted by the Police Inspector, Sangli Rural Police Station. Thereafter, the same was cancelled on 9th March 2026. It is significant to note that the detailed Reply was filed on 11th March 2026 and again said permission was granted on 12th March 2026. Accordingly, on 13th March 2026 the event was conducted and again the permission was withdrawn or cancelled by Order dated 13th March 2026. It is the contention of the Petitioner that the same was done on 14th March 2026 after 02:00 a.m..

22. Mr. Naik, learned AGP, has strongly relied on the FIR dated 14th March 2026 bearing CR No.80 of 2026. The said FIR as already noted has been filed inter alia under Section 3(2) of the Black Magic Act. The relevant portion of the said FIR is as follows:

23. Thus, even if the entire FIR is read as it is, then also it is clear that it is not the contention of even the Police Authorities that there is any law and order situation. Even before us also no contention is raised that law and order is disturbed. In fact, there is nothing on record to show that any statement has been made in the said event which affects the law and order situation and there is any criticism of other religion or religious places and religious belief of people belonging to other religion.

24. Article 15 of the Constitution of India, prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Article 19 protects freedom of speech and expression, to assemble peaceably and without arms, to form associations or unions, to move freely throughout the territory of India, to reside and settle in any part of the territory of India and to practise any profession, or to carry on any occupation, trade or business. Article 21 protects right to life. Article 25 protects freedom of conscience and free profession, practice and propagation of religion. Article 25(1) provides that subject to public order, morality and health and to the other provisions of Part-III of the Constitution of India, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. Article 26 provides that, subject to public order, morality and health, every religious denomination or any section thereof shall have the right, to establish and maintain institutions for religious and charitable purposes and to manage its own affairs in matters of religion.

25. The Supreme Court in number of decisions has held that religious faith and the performance of the rites, customary practices and observances constitute one's fundamental rights guaranteed under Articles 25 and 26 of the Constitution of India.

26. This is a case where, on 7th March 2026, Police granted permission. Thereafter, cancelled the said permission on 9th March 2026 and thereafter again granted the permission on 12th March 2026. Accordingly, the event was performed on 13th March 2026. The event was to be performed from 13th March 2026 to 15th March 2026 and suddenly on 14th March 2026 at 02:00 a.m., Police informed the organizers of said event that the permission is being cancelled. The said cancellation was abrupt. It is required to be noted that about 50,000 persons are attending the said event.

27. It is the submission of Mr. Nikam, learned Counsel for the Petitioner that even a perusal of the FIR shows that there is no violation of the Black Magic Act. It is his submission that what has been done is that cancer patients and patients suffering from hernia and other ailments have made speeches in the said event stating that they made prayers to the "Yeshu" and their health. Mr. Nikam, learned Counsel, however, submits that even there also it is stated that the said patients are taking treatment. Mr. Nikam, learned Counsel, submits that at the most it can be construed that in addition to the medical treatment the said patients have also made prayers and, therefore, their confidence has increased and resultantly their health has improved.

28. Although these are the contentions raised by Mr. Nikam, learned Counsel for the Petitioner, however, we need not go into the said aspects, as Mr. Nikam, learned Counsel for the Petitioner, on instructions, stated that the Chairman of the Petitioner-Trust - Dilip Sudhakar Bhole will file an undertaking in this Court immediately, stating that the Petitioner will ensure that while performing the said event, the provisions of the Black Magic Act are not violated.

29. As already noted herein above, granting permission to the said event on 7th March 2026, thereafter, cancelling the said permission on 9th March 2026 and again granting permission on 12th March 2026 and in the midst of event again cancelling the said permission on 14th March 2026 at 02:00 a.m. clearly shows that authorities are acting in illegal and mala fide manner. It is very clear that the fundamental rights of the citizens who have gathered for the said event, have been violated.

30. Article 21 of the Constitution of India protects right to life. The Supreme Court of India has expanded the scope of right to life. The Supreme Court has held that right to life is not mere animal existence but right to life includes right to live with dignity.

31. The members of the Petitioner-Trust and others i.e. about 50,000 persons have gathered for the said event are citizens of India. Thus, abruptly cancelling the event, violates their fundamental right to life, which includes right to live with

dignity. It is their right to freedom of conscience and the right freely to profess, practise and propagate religion. Of course, the same has to be subject to public order, morality and health and to the other provisions of law.

32. As already noted herein above, even it is not the contention of the State of Maharashtra that due to the said event there is law and order problem. As far as the contention regarding violation of the Black Magic Act, the Petitioner has certain point of view regarding the same which has already been recorded herein above. In any case, the Petitioner is ready to give an undertaking that the provisions of the Black Magic Act will not be violated.

33. Thus, in the facts and circumstances, the Writ Petition is disposed of by passing following Order:

i. Order dated 13th March 2026 cancelling the permission granted to the Petitioner for conducting the Maharashtra Prayer Festival, 2026 (Pages 54-55), is quashed and set aside.

ii. Order dated 13th March 2026 of Respondent No.2-MIDC (Pages 52-53), is quashed and set aside. The Petitioner to conduct the said event as per said permissions.

iii. Resultantly, permission dated 10th March 2026 granted by Respondent No.2-MIDC (Pages 21-22) as also permission dated 12th March 2026 granted by Police Inspector, Sangli Rural Police Station (Pages 43A-43B), stands restored.

iv. The Petitioner to file an undertaking of the Chairman of the Petitioner-Trust-Dilip Sudhakar Bhore, who has organized the said event in this Court immediately to the effect that the provisions of the Black Magic Act will not be contravened or violated.

v. Mr. Bhairu Talekar, Police Inspector, Sangli Rural Police Station shall act as a Vigilance Officer in terms of Section 5 of the Black Magic Act and inter alia he will take steps in accordance with law.

34. The Writ Petition is disposed of in above terms with no order as to costs.

35. Parties to act on ordinary copy of this Order.