

(2020) 07 MP CK 0178
In the Madhya Pradesh High Court
Case No : Writ Petition No.9378 Of 2020

Jayant Rao Gurud

APPELLANT

Vs

State Of Madhya Pradesh & Others

RESPONDENT

Date of Decision : 06-07-2020

Acts Referred:

Madhya Pradesh Shree Mahakaleshwar Mandir Adhinyam, 1982 — Section 5

Citation : (2020) 07 MP CK 0178

Hon'ble Judges : S. C. Sharma, J;Shailendra Shukla, J

Bench : Division Bench

Advocate : Devdeep Singh, Vivek Dalal

Final Decision : Dismissed

Judgement

1. The petitioner before this Court, a Politician-cum-Social Activist, has filed this present petition, by way of Public Interest Litigation, stating that he is a resident of Ujjain and is interested in raising his voice against the arbitrary actions of respondents in the matter of assigning a new route for 'Lord Mahakal Ride' (Sawari). The petitioner's contention is that during the month Sawan, Lord Mahakal takes a round of the city and goes to Kshipra for a bath and the age old tradition is being changed by the respondents.

2. The petitioner has placed reliance upon a judgment delivered by the Hon'ble Supreme Court in the case of Odisha Vikash Parishad v/s Union of India & Others Writ Petition (Civil) No.571/2020 and his contention is that in respect of the Jagannath Rathyatra, the Hon'ble Supreme Court has granted permission for the Rathyatra at Puri, and therefore, in the present case also, as sentiments of large number of Hindus are involved, the respondents be directed to follow old traditional Route for 'Lord Mahakal Ride'.

3. A detailed and exhaustive reply has been filed on behalf of respondent No.3 / Mahakaleshwar Committee and it has been stated that the decision to modify the route has been taken by the Mahakaleshwar Mandir Committee on the basis of

the meeting held on 19.06.2020. It has been stated that the Committee comprises Pujaries and Purohits, who have immense knowledge about the religious practices, sacraments, procedure and historical background of all the events.

4. It has been further stated that keeping in view pandemic COVID - 19 and in order to ensure safety of public at large, it was decided to modify the route and based upon the inputs received from Pujaries, Purohits and Pandits, who are expert of the field, a new route was carved out in the matter.

5. It has been further stated that basic aim of Sawari is to take out a Palki of Lord Mahakal to Ramghat of Kshipra River and at Kshipra River, the religious ceremony for giving bath to Lord Mahakal is performed. It has also been stated that there is no historical evidence in respect of particular route and as a matter of fact earlier also in the past, the Sawari was diverted through different routes when the Kshipra River got flooded. Even the Chief Priest of Mahakaleshwar Mandir has confirmed that the route of Sawari is not sacrosanct and has been changed from time to time.

6. It has also been stated that Central Government as well as the State Government have issued various guidelines regarding social distancing and public gatherings especially in respect of those events, where large congregations have been prohibited. It has been stated that total seven Sawaries are to be taken out and the last Sawari is of utmost religious importance and it is known as Shahi Sawari. In a period of 45 days, seven Sawaries are to be taken out and the previous route was passing through densely populated area of the city. A new route has been carved out which does not pass through densely populated area. Apart from the aforesaid, the new route is a shorter route.

7. It has also been stated that after conducting various meeting, the decision has been taken and the petitioner cannot dictate terms as he is neither a religious Pandit nor does have knowledge of the religious text dealing with the Sawari. He has not cited any religious text, which defines the route of the Sawari.

8. Shri Vivek Dalal, learned Additional Advocate General for respondents No.1, 2 and 4 / State has argued before this Court that the new route in respect of 'Lord Mahakal Ride' has been carved out keeping in view pandemic COVID - 19 and it is nobody's that no Sawari is being taken out. He has stated that people from all corners of life were invited in deliberations and all those people have given an advice to shorten the route. The route has been shortened in order to ensure that the social distancing norms laid down by ICMR, Government of India and the State of Madhya Pradesh are being followed and in no way it is going to hurt the sentiments of the devotees.

9. Heard learned counsel for the parties at length and perused the record.

10. The petitioner before this Court has filed this present petition being aggrieved by the change of route in respect of 'Lord Mahakal Ride' (Sawari). The

petitioner, except for making statement on an affidavit, has not quoted any religious text, which provides a particular route for 'Lord Mahakal Ride'. It is true that Sawaries are to be taken out during the month of Sawan but no route is defined in any religious text. The management and functioning of Lord Mahakal Temple is done keeping in view statutory provisions as contained under The Mahakaleshwar Mandir Adhiniyam, 1982 and the Mahakaleshwar Mandir Committee is a body constituted under Section 5 of the Adhiniyam of 1982. It is represented by its administrator and the Mahakaleshwar Mandir Committee, based on a meeting, which took place on 19.06.2020, took a decision in respect of new route for Sawari. The new route of Sawari was deliberated and it was unanimously decided keeping in view pandemic COVID - 19. The Pujaries, Purohits and Pandits, who are expert in the field of Essential Religious Practices, have carved out the route. The basic aim of Sawari is to take the Palki carrying Lord Mahakal till Ramghat of Kshipra River, where religious ceremony of giving bath to Lord Mahakal is performed. There is no well defined route and earlier also in the past, the route has been changed.

11. Today, the entire world is struggling from pandemic COVID - 19 and this Court cannot put the life of lakhs and lakhs of devotees to danger by accepting the prayer made by the petitioner. The Mahakaleshwar Mandir Committee, the administrative officer, including Commissioner, Collector, Police Officer are the best judge to decide a route keeping in view the Mahakaleshwar Mandir Adhiniyam, 1982 in respect of the 'Lord Mahakal Ride' and this Court cannot interfere with the decision which is taken by the respondents in the interest of public at large.

12. The reliance placed upon by learned counsel in respect of the judgment delivered by the Hon'ble Supreme Court in the case of Odisha Vikash Parishad (supra) is misplaced. The Hon'ble Supreme Court though has granted permission in respect of Jagannath Rathayatra but at the same time has closed all entry points into the city of Puri, i.e. airport, railway station, bus-stand etc. etc. The Hon'ble Supreme Court has even gone to the extent in directing the State Government to impose a curfew in the city of Puri on all the days and during all the time when Rathayatra Chariots are out in procession. It appears that the petitioner has not gone through the entire judgment delivered by the Hon'ble Supreme Court.

13. It is nobody's case that no 'Lord Mahakal Ride' is being taken out or the State Government has imposed complete ban on 'Lord Mahakal Ride'. On the contrary, a new route has been provided by the Administration in consultation with the Mahakaleshwar Mandir Committee as well as other Pujaries, Purohits and Pandits.

14. This Court, in light of the aforesaid, is of the considered opinion that the District Administration and the Mahakaleshwar Mandir Committee were justified in carving out the new route in order to ensure that on account of 'Lord Mahakal Ride', the pandemic COVID - 19 does not spread like a wild fire. Safety of human

life is of paramount importance and the same aspect has been kept in mind by the authorities in the present case. This Court does not find any reason to interfere with the decision taken by the respondents, and therefore, no case for interference is made out in the matter.

Accordingly, the present Writ Petition stands dismissed.

This matter has been disposed of through video conferencing and keeping in view the present scenario on account of pandemic COVID - 19, in case, a certified copy is not made available (physical copy), the e-copy obtained through the High Court Website or even the copy uploaded on the website of the High Court shall be treated as certified copy for all purposes.