

(2022) 08 OHC CK 0204

In the Orissa High Court

Case No : Writ Petition (C) PIL No. 21974 Of 2022

Narayan Muduli

APPELLANT

Vs

State Of Odisha And Ors

RESPONDENT

Date of Decision : 29-08-2022

Acts Referred:

Citation : (2022) 08 OHC CK 0204

Hon'ble Judges : Dr. S. Muralidhar, CJ;Chittaranjan Dash, J

Bench : Division Bench

Advocate : Ashis Kumar Mishra, Debakanta Mohanty

Final Decision : Dismissed

Judgement

1. The present writ petition has been filed by a person who is a resident of Silpi Kumbhara Sahi in Cuttack aggrieved by the actions of the Inspector-In-Charge (IIC), Purighat Police Station, Cuttack in preventing the Petitioner from proceeding with the making and sale of certain idols of Lord Ganesh for the ensuing Ganesh Chaturthi Festival on 31st August, 2022. Photographs of two such idols made by the Petitioner are enclosed with the petition.

2. An advance copy of the writ petition was served on Mr. Debakanta Mohanty, learned Additional Government Advocate (AGA) who has obtained a written instructions dated 28th August, 2022 of the Deputy Commissioner of Police, Cuttack, a copy of whereof has been provided to Mr. Ashis Kumar Mishra, learned counsel appearing for the Petitioner as well as the Court. The explanation offered by the Police is that on 25th August, 2022 around noon time, they received information from the public and the media people about the idols being made by the Petitioner "of Lord Ganesh on their own imagination by disfiguring the sacred image of Lord Ganesh which hurts the religious sentiments of devotees". Apparently, the photographs and video footages of the said idols made by the Petitioner went viral and the Police apprehended that it may lead to untoward incidents.

3. In the same written note by the Police it is mentioned inter alia that the Police asked the sculptors, including the present Petitioner, to come to the Purighat PS for a discussion. The Petitioner and two others were conveyed by the Police that there is discontentment among the public "regarding such disfiguration of the idol of Lord Ganesh which may create law and order situation in the area and advised them not to make such disfigured idols of Lord Ganesh for the sake of respect to Hindu Gods."

4. Mr. Mishra, learned counsel appearing for the Petitioner vehemently contests the above depiction by the Police of the idols made by the Petitioner as 'disfigurement' of Lord Ganesh and seeks to justify the Petitioner's right to persist in making such idols and selling them to customers.

5. However, the situation that the Police faced is one of law and order as a result of such idols being displayed in public. Clearly, there is an alternative to the Petitioner making other idols of Lord Ganesh which do not create any resentment in the local public and do not create an occasion for any law-and-order situation which may go out of hand. In matters of this nature where there is a genuine apprehension of untoward incidents being created which might lead to a law-and-order situation, the Court would not like to sit in judgment over the assessment of the Police.

6. Consequently, the Court is not inclined to interfere in the matter and issue any direction as prayed for by the Petitioner. The writ petition is accordingly dismissed.

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