
(2020) 07 JH CK 0013

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 1753 Of 2020

Nishikant Dubey

APPELLANT

Vs

Union Of India and Ors

RESPONDENT

Date of Decision : 03-07-2020

Acts Referred:

Citation : (2020) 07 JH CK 0013

Hon'ble Judges : Dr. Ravi Ranjan, CJ;S.N. Prasad, J

Bench : Division Bench

Advocate : Khusboo Kataruka, Ravi Prakash Mishra, Rajiv Sinha, Rajiv Ranjan, S.P. Roy

Final Decision : Disposed Of

Judgement

1. This writ petition in the form of pro bono publico has been filed by the writ petitioner, who claims to be an elected public representative, seeking direction commanding the respondents to open Baba Baidhyanath Jyotirlinga Temple at Deoghar and Baba Basukinath Temple at Basukinath for

Public Darshan and further allow the 'Shravani Mela' devotees to offer prayers during Hindi month of 'Shravan and Bhado' with such precautions and

at such scale which the respondents may deem fit and proper keeping in view the outbreak of COVID-19 pandemic.

2. The reason for filing the public interest litigation, as has been referred in the pleading made in the writ petition, reads as under:

The World Health Organization (WHO) declared COVID-19 as pandemic, considering the threat of spread of COVID-19. The Government of India

time to time issued orders in exercise of its power under National Disaster Management Act, 2005 (hereinafter referred to as the Act, 2005) in that

regard. The Government of India, in terms of the provision of the Act, 2005, came out with an order on 24.03.2020 in exercise of power conferred

under Section 6(2)(ii) of the Act, 2005 directing the Ministries/Departments of the Government of India, State/Union Territory to take effective steps

to prevent the spread of COVID-19 which included ""Lockdown"" in the entire country.

The Ministry of Home Affairs, in pursuance to the order dated 24.03.2020 has issued necessary guidelines to prevent the spread of COVID-19

making for a period of 21 days w.e.f. 25.03.2020.

Conscious decision was taken by the Ministry of Home Affairs, Union of India, directing for closure of all places of worship for public in order to

avoid the religious congregation without any exception.

Subsequent to the order dated 24.03.2020, again one order was passed on 14.04.2020 under the provision of the Act, 2005 directing the Chairperson,

National Executive Committee to continue the existing lockdown measures in all parts of the country up to 03.05.2020, pursuant thereto, Secretary,

Ministry of Home Affairs. Government of India in the capacity of Chairperson of the National Executive Committee, ordered to extend the lockdown

measures as stipulated in the guidelines dated 24.03.2020 till 03.05.2020.

The lockdown was extended time to time and finally it was extended in containment zone up to 30.06.2020 and direction was given for prohibited

activity to be reopened in the phased manner in the areas declared as containment zone.

The order dated 30.05.2020 also contains guidelines to allow the religious activities w.e.f. 08.06.2020 by following standard operating procedure (SOP)

in consultation with the Central Ministries/Departments concerned and other stakeholders for ensuring social distancing and to contain the spread of

COVID-19.

The Ministry of Health and Family Welfare, Government of India came out with a communication issued on 04.06.2020 containing therein that the

religious places/places of worship for public containment zones shall remain closed and only those outside containment zones will be allowed to be

opened but the grievance of the petitioner, as has been agitated in the present writ petition is that the Government of Jharkhand has taken a decision

contrary to the decision of the Ministry of Home Affairs and decided to keep the

religious places closed.

The concern of the petitioner is that from 05.07.2020 Shravani Mela at Baidhyanath Temple and Baba Basukinath Temple is to commence but due to

the decision of the State of Jharkhand for closure of the religious places there is no likelihood of convening the aforesaid Shravani Mela and therefore,

a direction has been sought for from this Court under Article 226 of the Constitution of India considering the intervention of the Hon'ble Apex Court in

the matter of Puri Rath Yatra which has been allowed to be performed by an order passed by Hon'ble Apex Court on 18.06.2020 in Writ Petition

(Civil) No. 571 of 2020.

3. The petitioner has pleaded in the writ petition that any condition which the State of Jharkhand deems fit and proper to prohibit the spread of

COVID-19 pandemic may be imposed but Darshan, Pooja and Kanwar Yatra may be permitted with imposed restrictions taking into consideration the

importance of deities and the faith and belief of people. It has been contended that ""Shravani Pooja"" in special form is being done from the time

immemorial but due to the restriction imposed by the State of Jharkhand it is at the brink of being discontinued affecting the faith of large section of

people not only belonging to the State of Jharkhand but of all the neighbouring States and even the entire country.

4. The writ petition was heard through video conferencing with the consent of the parties on 26.06.2020 by allowing the motion made by the learned

counsel appearing for the petitioner to fix an early date taking into consideration the urgency of the matter.

5. This Court, while hearing the matter on 26.06.2020, found in course of argument that the State of Bihar is necessary party since the very initiation

of the Shravani Pooja starts from a place known as Sultanganj falling within the jurisdiction of Bihar from where the devotees in the form of

'Kanwaria' collect sacred water from the river Ganges and thousands of them come on foot to offer sacred water to Baba Baidhyanath. Therefore,

on the prayer being made by the learned counsel for the petitioner, the State of Bihar through its Chief Secretary was impleaded as party respondent

No. 7.

6. Mr. S.P. Roy, learned Government Advocate for the State of Bihar waved notice on behalf of the newly added respondent No. 7.

7. The parties were directed to seek instruction and to file counter affidavit and the matter was posted on 30.06.2020. In pursuance to the direction

contained in the aforesaid order, the State of Jharkhand has filed an affidavit stating inter alia that although the Union of India came out with an order

on 30.05.2020 opening the place of religious worship w.e.f. 08.06.2020 but the State of Jharkhand in exercise of power conferred under Section 22(2)

(h) of the Act, 2005 as also in pursuance to the condition contained in the order dated 30.05.2020 by the Ministry of Home Affairs, Union of India as

contained in condition No. 5, came out with an order on 26.06.2020 wherein a decision for not opening of religious places/places of worship for public

has been taken.

Further, it has been stated that the State Government considering the spread of pandemic COVID-19 virus has consciously taken such decision to

prohibit the spread of virus.

Learned Advocate General, appearing on behalf of the State, submitted that at the initial stage the spread of virus was on lesser side but due to influx

of migrant workers the same is now increasing day by day. If in that situation permission for organizing Shravani Mela is given, it may result in large

and uncontrollable congregation of people. It may ultimately lead to large scale spread of COVID-19. Therefore, submission has been made that writ

of mandamus may not be issued in that connection.

8. The newly impleaded respondent No. 7, the State of Bihar, has filed counter affidavit through the Home Department stating inter alia that in terms

of the order passed by the Ministry of Home Affairs, Government of India dated 30.05.2020,

social/political/sports/entertainment/academic/cultural/religious function and other large congregation should still not been allowed.

It has further been stated that it is for the Government of Jharkhand to take a decision with respect to reopening of Baba Baidhyanath Jyotirlinga

Temple at Deoghar and Baba Basukinath Temple at Basukinath for general people during Hindi month of Shravan and Bhado for Shravan Mela and if

the Government of Jharkhand considers it proper to open the said Temple for pilgrims as per the Shravani Mela, the State Government should also

specify precautionary measure but as yet it has not been communicated by the Government of Jharkhand regarding such decision having been taken

pertaining to reopening of Baba Baidhyanath Jyotirlinga Temple at Deoghar and Baba Basukinath Temple at Basukinath for organizing Shravani Mela.

It has further been stated that huge number of pilgrims use to start their journey from Sultanganj to Baba Baidhyanath Dhamduring Shravani Mela.

Sometimes the number of pilgrims cross even more than one lakh in a single day, so maintenance of social distancing may be a challenge and may

cause a big threat to contain the spread of COVID-19 among the pilgrims as well as local residents.

Further the State of Jharkhand through its Home Prisons & Disaster Management Department vide its order dated 26.06.2020 issued under the

signature of Chief Secretary, has ordered for extension of lockdown related restrictions operating up to 31.07.2020, as such, State of Bihar is required

to take decision only after decision if taken by the State of Jharkhand about reopening of the Temple.

9. Mr. S.P. Roy, learned Government Advocate appearing for the State of Bihar has produced a copy of the decision of the Bihar Religious Trust

Board as contained in Letter No. 584 dated 01.07.2020 which discloses that a conscious decision has been taken not to allow Shravani Mela which is

to be organized in the State of Bihar at different places till 04.08.2020.

10. This Court has heard the learned counsel for the parties and perused the pleading made in the affidavits filed on their behalf.

Admittedly herein, a writ in the nature of mandamus has been sought for issuing command upon the State of Jharkhand to allow the reopening of the

Baba Baidhyanath Jyotirlinga Temple at Deoghar and Baba Basukinath Temple at Basukinath and holding the Shravani Mela as also allowing the

devotees to offer prayer during Hindi month of Shravan and Bhado and with such precaution and at such scale as the respondents may deem fit and

proper keeping in view the outbreak of COVID-19 pandemic.

The stand inter alia has been taken by the respondent State of Jharkhand that although the Union of India came out with an order permitting to open

the religious places outside the containment zone as would be evident from the order date 30.05.2020 to be allowed w.e.f. 08.06.2020 but according to

the petitioner, contrary to the said decision the State of Jharkhand has closed the religious places till 30.06.2020, as such, appropriate direction is

required to be passed upon the State of Jharkhand by way of command to relax

the aforesaid condition and to open religious places, more particularly, the Baba Baidhyanath Jyotirlinga Temple at Deoghar and Baba Basukinath Temple at Basukinath respectively.

11. Admittedly, as would be evident from the order dated 30.05.2020 issued by the Secretary, Ministry of Home Affairs in exercise of power

conferred under Section 6(2)(i) of the Act, 2005, guidelines has been issued for phased reopening known as Unlock-I outside the containment zone

wherein under Phase-I certain activities have been allowed w.e.f. 08.06.2020 which also includes the religious places/places of worship for public,

however, the State of Jharkhand has come out with an absolute closure of the religious places in the State of Jharkhand vide order issued in exercise

of power conferred under Section 22(2)(h) of the Act, 2005.

12. It needs to refer herein about the power conferred under Section 6(2)(i) of the Act, 2005 which confers power upon the National Authority

conferring responsibility for laying down policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster,

under the aforesaid provision, by way of reopening in phased manner the Central Government has allowed the religious places and places of worship

to be opened w.e.f. 08.06.2020 as would be evident from the order dated 30.05.2020 but in the same order, the Central Government has left it open

upon the State/Union Territories, based on their assessment of the situation prohibiting certain activities outside the containment zones, or impose such

restrictions as deemed necessary.

The State of Jharkhand in pursuance to the guidelines as contained in the order dated 30.05.2020 as under Clause-V has exercised power conferred

under Section 22(2)(h) which confers power upon the State Executive Committee to give direction to any department of the Government of the State

or to any other authority or body in the State regarding actions to be taken in response to any threatening disaster situation or disaster.

It is, thus, evident that the Section 6 of the Act, 2005 confers power upon the National Authority while Section 22 of the Act, 2005 confers power

upon the State Executive Committee and both have got independent entity, hence, the contention which has been raised by the petitioner in the writ

petition that if the State of Jharkhand has taken an independent decision for closure of the religious places up to 31.07.2020 it would violate the

guidelines of the Central Government as contained in order dated 30.05.2020 to the effect wherein the religious places/places of worship outside the containment zone have been allowed to be opened. However, since the provision of Sections 6 & 22 of the Act, 2005 are to be exercised both by the Union of India and the State Government depending upon the condition prevailing across the country or particularly in the State of Jharkhand it is to be considered by the State of Jharkhand for invoking the jurisdiction conferred to the State Executive Committee as under Section 22 of the Act, 2005, therefore, according to our considered view it is incorrect to say that when the State of Jharkhand has taken a decision for closure of the religious places outside the containment zone vide order dated 18.06.2020 issued under the signature of Chief Secretary in the capacity of Chairman of the State Executive Committee it cannot be said that any error has been committed by the State authority as also the same cannot be held to be contrary to the decision of the Central Government.

Furthermore, it is evident from the Central Government Order dated 30.05.2020 that the argument which has been advanced by the learned counsel for the petitioner that the State of Jharkhand has got no independent jurisdiction to take decision for prohibiting the religious worship in the State of Jharkhand outside the containment zone would not be correct in view of the specific guideline as contained in Clause-V of the guideline appended to the order dated 30.05.2020 issued by the Secretary, Ministry of Home Affairs in the capacity of the Chairman of the National Authority.

13. This Court, even on considering the stand of the respondent-State of Jharkhand prohibiting the religious congregation and not allowing the Shravani Mela to be convened from 05.07.2020, thought it proper to call upon the competent authority of the State of Jharkhand to deliberate upon the issue and to look into any possibility in order to allow the Shravani Mela in the restricted manner by avoiding all sorts of threats of spread of COVID-19 pandemic.

Upon this, learned Advocate General had requested the Principal Secretary, State Disaster Management who appeared before this Court on 26.06.2020 and again today i.e., 03.07.2020 through Video Conferencing but he, by referring the stand as taken in the counter affidavit filed on behalf of the State of Jharkhand, has apprised this Court that in the present scenario

where the State of Jharkhand is taking all sincere efforts to put control upon the spread of COVID-19 pandemic but instead of sincere efforts at this stage, it cannot be said as to whether the spread of pandemic COVID-19 has been put on check since time to time the spread of COVID-19 virus is increasing which, according to him, has got an increasing trend after coming of the migrant workers from different parts of the country in view of the policy of the Central Government vis-à-vis the State Government.

He further submits that even if sincere efforts would be taken to allow the people to enter into the Temple, the nature of Pooja is such that avoiding the congregation would be next to impossible and in that situation the State Government will not be in a position to put on control over the spread of COVID-19 pandemic. According to him, the carrier of virus is not only a person who is symptomatic but also the persons who are asymptomatic as also, due to huge congregation even the social distancing would not be practically possible.

14. Learned counsel for the petitioner has proposed to allow certain number of persons to participate in the Shravani Mela by allowing them to enter into the Temple by issuing e-pass and by taking all precautionary measures, for e.g., medical test, etc.

The Principal Secretary, State Disaster Management submits that it would also not be practically possible for the aforesaid reasons.

15. Learned counsel for the petitioner has further proposed that only the habitants of the district of Deoghar may be allowed to enter the Temple.

Upon this, the Principal Secretary, State Disaster Management has disclosed that it will not be possible because if the local habitants of the district of

Deoghar will be allowed to enter the Temple, the other habitants of the other districts will make hue and cry since it is the question of religious faith.

16. This Court, after hearing the Principal Secretary, State Disaster Management and on consideration of the argument advanced on behalf of the

learned counsel for the petitioner as also the State of Bihar, is of the view that the petitioner since is seeking a direction by way of mandamus, the

same cannot be issued for the following reasons:

(i) Admittedly, we are going across a very serious situation and fighting with the invisible enemy in the shape of Corona virus. It cannot be disputed

that the person who is the carrier of the COVID-19 virus may be symptomatic

and asymptomatic also. So far as the symptomatic carrier of the virus is concerned, the same can be traced through medical checkup but there may be a serious threat from the persons who may be carriers of the virus who are asymptomatic.

In that view of the matter, if the State Government has taken a decision in exercise of power conferred under Section 22(2)(h) of the Act, 2005 it cannot be said that the State has taken any improper decision for the concern of the State Authority would be to save not only the State but also the nation from the spread of COVID-19 virus and if considering that aspect of the matter the State has taken a conscious decision, it would not be appropriate for this Court to interfere with such decision.

(ii) Since the State of Jharkhand has come out with a decision on 26.06.2020 by way of policy decision in exercise of power conferred under Section 22(2)(h) of the Act, 2005 the same, unless is shown by the petitioner that the decision is without any jurisdiction, no interference can be made in the policy decision of the State Government. The decision of the State Government as contained in the guidelines dated 26.06.2020 has not been assailed and so long as the decision of the State Government is there, without quashing and setting it aside, no mandamus can be issued. The petitioner has chosen not to challenge the said policy decision of the State Government as has been taken in exercise of power conferred under Section 22(2)(h) of the Act, 2005 and has sought for direction by way of mandamus.

Even though we can issue a direction under Article 226 of the Constitution of India directing the State to relax the condition as contained in order dated 26.06.2020 by allowing the Shravani Mela but we, after considering the stand of the State of Jharkhand as has been pleaded in the counter affidavit as also the State of Bihar, are of the view that no such direction for relaxation of the order by allowing the Shravani Mela will be proper taking into consideration the threat of spread of COVID-19 virus which is still looming large over the entire country.

We are constraint to take this view for the reason that in the Shravani Mela there would be a possibility of congregation may be to the extent of several lakhs in the month of ""Shravan"" as reflected from the data furnished by the State of Jharkhand in the affidavit. Further, in the said Shravani Mela, apart from the people who want to have Darshan of Lord Shiva, there are

other types of devotees also as informed who are commonly known as Kanwariya and Dak Bam Kanwariya. Kanwariyas take sacred water from Sultanganj from the district of Bhagalpur falling within the jurisdiction of State of Bihar and come in huge numbers. In that view of the matter, it will be very difficult for the State to monitor each and every Kanwariyas or the devotees to maintain social distancing and even do scanning for finding out even symptomatic persons.

So far as the Dak Bam Kanwariyas are concerned, as has been informed, they take sacred water from Sultanganj in the State of Bihar and in about 24 hours they are supposed to reach Deoghar and have Darshan of Lord Shiva and offer sacred Ganges water upon the Jyotirlinga. In that situation also the situation will be very difficult for not only the State of Jharkhand but also for the State of Bihar to tackle it.

In view of such situation, we are of the considered view that no such relaxation would be fit to be allowed taking into consideration the cause of people in general as also to put check upon the spread of COVID-19 virus.

(iii) At this juncture, learned counsel for the petitioner submitted that the Hon'ble Apex Court has interfered in the matter of Puri Rath Yatra and to that effect reliance has been placed upon the order passed by the Hon'ble Apex Court in W.P. (Civil) No. 571 of 2020.

We, after going through the judgment passed by the Hon'ble Apex Court in W.P. (Civil) No. 571 of 2020 dated 22.06.2020, have found that prior to the said order, an order was passed on 18.06.2020. By that order the Hon'ble Apex Court had restrained the concerned from holding Rath Yatra in the year 2020 in view of the danger presented by the gathering of 10-12 lakh devotees for a period of 10-12 days and as such, the Hon'ble Apex Court was of the view that any spread of Corona virus due to the Rath Yatra would be dangerous due to congregation of the large number of persons and the impossibility of the tracking of the effected people after they have gone back to their respective homes.

It has also been observed that it is not possible to screen the medical conditions of all those who converge in the city for the Rath Yatra. The Hon'ble Apex Court has taken such view on the pretext that large number of congregation cannot be avoided as the stand has been taken by the State of Orissa. However, the order passed on 18.06.2020 has subsequently been

modified on the basis of an affidavit filed on behalf of the State of Orissa

stating that it may be possible to conduct Rath Yatra at Puri ""in a limited way without public attendance"". The similar proposal has been made by the

Gajapati Maharaj of Puri, who is the Chairman of the Puri Jagannath Temple Administration and as such the Hon'ble Apex Court was of the view that

if it is possible to ensure that there is no public attendance, the Rath Yatra at Puri was allowed subject to following conditions:

1. All entry points into the City of Puri, i.e., airports, railway stations, bus stands, etc., shall be closed during the period of Rath Yatra festival.

2. The State Government shall impose a curfew in the City of Puri on all the days and during all the time when Rath Yatra chariots are taken in

procession. The State Government may also impose curfew in the city of Puri on such other days and during such time as deemed necessary. During

the period of curfew no one would be allowed to come out of their houses or their places of residence, such, hotels, lodging houses, etc. To start with,

the curfew shall begin tonight at 8 P.M.

3. Each Rath, i.e., Chariot, shall be pulled by not more than 500 persons. Each of those 500 persons shall be tested for the Coronavirus. They shall be

permitted to pull the chariot only if they have been found negative. The number 500 shall include officials and police personnel.

4. There shall be an interval of one hour between two chariots.

5. Each of those who is engaged in pulling the chariot shall maintain social distancing before, during and after the Rath Yatra.

6. We are informed that certain rituals are associated with the Rath Yatra. We direct that only such persons shall be associated with the rituals who

have been found to have tested negative and shall maintain social distancing.

7. The primary responsibility for conducting the Rath Yatra in accordance with the conditions and other norms shall be that of the Committee in-

charge of Puri Jagannath Temple Administration. Each member of the Committee shall be responsible for due compliance with the conditions imposed

by this Court and the general directions which govern ensuring of public health issued by the Union Government. In addition, the officers designated by

the State Government for conduct of the Rath Yatra shall be responsible likewise.

8. The rituals and the Rath Yatra shall be freely covered by the visual media. The State Government shall allow TV cameras to be installed at such

places as may be found necessary by the TV crew.

9. The bare minimum number of people shall be allowed by the Committee to participate in the rituals and in the Rath Yatra. We take a note of the

fact that the State of Orissa has a good record of having controlled the pandemic with a very little loss of life. We see no reason why the same

attitude of care and caution should not be applied to the Rath Yatra.

10. The State Government may take such help as may be found necessary from the Union Government. Shri. Tushar Mehta, learned Solicitor

General, has assured the Court that the Union Government shall offer all assistance and help to the State Government in this endeavour.

11. The State Government shall maintain a record containing details of all those who have been allowed to participate in the Rath Yatra or the rituals

connected therewith along with details of their medical conditions after testing.

It is, thus, evident that the Hon'ble Apex Court has considered the stand of the State of Orissa expressing the difficulty in prohibiting the huge

congregation at the time of conducting Rath Yatra but when the State of Orissa has made a proposal for conducting Rath Yatra in a limited way

without public attendance then only the Puri Rath Yatra was allowed to be conducted vide order dated 22.06.2020 subject to certain conditions as

referred hereinabove.

It requires to refer herein that there is wide difference in Puri Rath Yatra in comparison to that of Shravani Mela since in the Shravani Mela the

devotees use to lift sacred Ganges water from Sultanganj in the State of Bihar and travel about 50-60 k.m. They used to come to Baba Baidyanath

Temple for pouring the sacred water upon Jyotirlinga and as such it is quite impossible to think about avoiding the congregation of the people.

Further, as would be evident from the conditions imposed by the Hon'ble Apex Court in conducting Rath Yatra that in the entire City of Puri curfew

was to be imposed and the Puri district was to be sealed from all corners prohibiting the exit of people from their houses or hotels, etc., but in the

situation of Shravani Mela the said situation is not possible since here physical presence of the devotees is of paramount importance and the prayer in

the writ petition is to open it for public.

It requires to refer in this context the data of congregation of people as has been brought on record by way of counter affidavit filed on behalf of the

State of Jharkhand. It would appear therefrom that in the year 2017, there were 35,63,589 people assembled at Deoghar. In the year 2018 it was

38,04,413 while in the year 2019 it was 39,58,245, meaning thereby, people about more than a lakh in number every day had visited the Temple in the

past. As such, the situation is not akin to that of the Puri Rath Yatra.

In that view of the matter, this Court is of the view that no such direction for Shravani Mela will be appropriate to be passed taking into consideration

the spread of threat of COVID-19 virus which according to us, if allowed, may cause great danger of wide spread of infection of COVID-19 virus

and as has been expressed by the State of Jharkhand, through its limited resources, the State authorities are making efforts to put a check upon the

spread of virus. If such a large number of congregation would be allowed, the same would be very difficult situation not only for the administration of

the State of Jharkhand but affecting the people at large.

The proposal of the learned counsel for the petitioner to allow the limited number of devotees to participate in the Shravani Mela would also not be

proper since, we, sitting under Article 226 of the Constitution of India cannot discriminate so far as the religious faith is concerned, by allowing some

people to participate in the Shravani Mela depriving the others.

Further, proposal that people of the local inhabitants of the district of Deoghar may be allowed to participate in the Shravani Mela would also not be

proper since the local people of Deoghar cannot be treated differently so far as the religious faith is concerned in comparison to those who are living

outside the periphery of the district of Deoghar.

This Court, therefore, is of the view that no such direction can be issued to the State-respondent to convene the Shravani Mela in the year 2020 by

allowing public to participate.

Learned Advocate General, at this juncture, in presence of the Secretary, Disaster Management, on instruction of the State Government has put forth

a proposal keeping in view the religious faith of the people that the State would make arrangement for on-line Darshan.

This Court has considered the proposal of the State for on-line Darshan during the entire course of Shravani Mela and has found the suggestion put

forth by the State appreciable.

In that view of the matter, we, hereby, direct the State of Jharkhand through the Chief Secretary to make arrangement for on-line Darshan of the

Lord Shiva during Shravani Mela to be started from the opening day and to continue till the last day of the Mela.

It is made clear that the Chief Secretary will monitor entire event to ensure that the Darshan of the Lord Shiva shall not be interrupted for any reason

whatsoever.

17. It is further made clear that the Pooja of Jyotirlinga would continue during the month of Shravan and Bhado but the same will be done by the

Temple Trust without allowing any public participation.

18. The writ petition is accordingly disposed of with the aforesaid observation and direction.