

Court No. - 40

Case :- WRIT - C No. - 30034 of 2018

Petitioner :- C/M Sri Sanatan Dharm Ram Leela Mahotsava Samiti And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Aklank Kumar Jain

Counsel for Respondent :- C.S.C.

Hon'ble Amreshwar Pratap Sahi,J.

Hon'ble Bachchoo Lal,J.

The petitioners are aggrieved by an administrative order passed by the learned City Magistrate, Firozabad who was directed by the High Court vide order dated 21st September, 2017 in Writ Petition No. 44611 of 2017 to consider and dispose off of the application of the petitioner for reconsideration of the earlier order passed by the City Magistrate dated 11th September, 2017.

The challenge raised is to the subsequent order dated 12th April, 2018 and a prayer has been made to quash the same. The said order confirms the earlier order dated 11th September, 2017.

The City Magistrate after having considered the application of the petitioner has narrated that the respondent no.4 had earlier filed a civil suit in the year 2012 in relation to the organization of the Ram Leela Mahotsava in Firozabad by the petitioner society alleging that the society under the garb and protection of the administration was carrying out unlawful activities which virtually hit at the roots of the objects and reasons of the society for which it was established. The City Magistrate concluded that under the garb of organizing a religious fair, the petitioner's committee was also carrying out activities which amounted to an indecent display of entertainment with dances being organized, and bar girls being allowed to display themselves publicly. Variety shows and other entertainment activities were being also carried out which in a way was detrimental not only to the objects of the society, but also to the entire environment where such a fair was attended by children, women and people of all works of life.

In the civil suit initially which was filed by the respondent no. 4 in the year 2013 the injunction was refused as no prima facie evidence was made available, and an appeal filed against the same by the respondent no.4 was also

dismissed, but the observations made in the orders of the civil court were to the effect that it shall always be open to the authorities to take appropriate action, in the event, any such unlawful or indecent activity is found to be intervening.

It is in this background that in the year 2017 again complaints were made and reports were called for and an order was passed on 11th September, 2017 which is not impugned in the writ petition, but has been confirmed in the impugned order dated 12th April, 2018.

A perusal of the said order dated 11th September, 2017, the City Magistrate recorded that they were certain C.Ds depicting variety shows and dances that were objectionable and newspaper reports as a result whereof in the year 2017, an FIR was lodged against the entertainment company under Section 294 read with Section 188 IPC. After taking into consideration, the above background, the learned City Magistrate clearly prohibited the display of any such entertainment activities with clear directions to the local administration as well as the police authorities to be on alert and not to allow any indecent display. It further directed the other relevant administrative authorities to ensure that the fair is held in compliance of the norms fixed for this purpose.

Challenging the said order dated 11th September 2017, the petitioner filed Writ Petition No. 44611 of 2017 that was disposed of on 21.09.2017 calling upon the City Magistrate to pass a fresh order, keeping in view the application moved by the petitioners.

Learned counsel Sri Aklank Kumar Jain submits that as a matter of fact, the petitioners are also not in favour of the any such activities but the evidence on the basis whereof the orders have been passed were not worth believing, and consequently, the order dated 12.04.2018 deserves to be set aside.

He submits that in the absence of any such activity having been carried out by the petitioners, there was no occasion to have passed the impugned order and further under the garb of the impugned order, the petitioners are now being prevented from carrying out even lawful activities.

We have heard the learned Standing Counsel for the respondent nos. 1,2 & 3 and Sri Vivek Kumar Sharma for the respondent no. 4 who is the complainant.

We have gone through the orders passed as also the records placed before us, and we find that the prevention and the prohibition contained in the order impugned is quite inconformity with the objects and reasons of the society itself. The objects and reasons disclosed by the society nowhere indicate the organization of any variety music programme or a dance display by bar girls. The society is exclusively meant for carrying out activities that are related to the life and times of Lord Ram and such other entertainments based on his life and his ideals. The impugned order records other entertainments being displayed which directly are in conflict with the said objects and reasons, and therefore, the learned counsel for the petitioner is right in his submission that the petitioner society does not intend to allow any such display which may otherwise be contrary to the objects and reasons of the society or even detrimental to the society at large.

In view of this, we do not find any reason much less any plausible ground so as to interfere with the impugned order dated 12.04.2018, and it shall be open to the petitioners to carry out their activities in accordance with their objects and reasons with which the administration shall cooperate.

The writ petition is therefore consigned to records with the said observations.

Order Date :- 6.9.2018
M. ARIF