



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4335 OF 2025

Rahul Nana Bachhav

... Petitioner

versusf

State of Maharashtra & Ors.

... Respondents

Mr.Subhash Jha with Mr.Siddharth Jha, Mr.Ashish Saxena,
Mr.Sumeet Upadhaya and Ms.Dhriseka Rao i/b. Law Global for the
Petitioner.

Ms.Neha Bhide, Government Pleader with Mr.B.V.Samant, Addl.GP
and Mr.A.C.Bhadang, AGP for the Respondent -State.

Mr.Dipak Jadhav, Police Inspector, Chhavani Police Station is
present.

Mr.Vishal Sonawane, Tehasildar, Malegaon is present.

Mr.Ananda Mali, API, District Special Branch, Nashik (Rural),
representative of Respondent No.3, is present.

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 28TH MARCH, 2025

P.C. :-

PLEADINGS IN BRIEF

1. The Petitioner claims to be the Coordinator of an
organization known as 'Sakal Hindu Samaj'. He further claims that
the organization has been formed for integrating every section

and/or caste of the Hindu society, which, to some extent, is divided in the name of caste and creed and, therefore, the Sakal Hindu Samaj has an avowed object of unifying all sections of those who believe in Sanatan Dharma and bring them together as Hindus.

2. There are several further averments made in the Petition which need not be reproduced in our order considering the issue raised before us.

3. Suffice it to say that the Sakal Hindu Samaj has organized a function on the occasion of “Gudhi Padwa” on 30th March, 2025, at 6.00 pm. According to the publicity pamphlet, Sadhavi Pradnyasingh Thakur is being felicitated with the “Hindu Veer Puraskar”. The Chief Speakers are H.B.P. Sangram Bapu Bhandare and Milindji Ekbote. The few more Speakers in the said function are Swami Bharatanand Saraswati Maharaj and Jain Saint Nilesh Munee Maharaj. The venue of the function is ‘Yashshree Compound’, Satana Naka, Malegaon, District Nashik.

4. Sakal Hindu Samaj, Malegaon is the organizer. Hence, an Application was moved on 18th February, 2025 to the Tehsildar of

Malegaon by the Petitioner, who claims to be representing the Sakal Hindu Samaj, for seeking permission to organize the ‘Viraat Hindu Sant Sammelan’.

SUBMISSIONS

5. This Petition is filed for seeking directions to the Competent Authority to allow the application of the Petitioner, dated 17th February, 2025 and grant the permission for convening the said Sammelan and to erect play cards, flex boards, hoardings, banners for the said function which is timed in between 6.00 pm to 10.00 pm, on 30th March, 2025.

6. After this Petition was lodged, on 25th March, 2025, the Executive Magistrate-cum-Tehsildar, Malegaon issued a communication to the present Petitioner informing him that a report was received from the Police Inspector, Chhavani Police Station and an opinion was expressed that the proposed gathering is likely to create a law and order situation. An opinion was expressed that the permission should not be granted. Hence, the permission has been refused. A photostat copy of the said communication and the report, is tendered across the bar, which is collectively marked as **‘X-1’** for identification.

7. The learned Government Pleader has tendered a compilation of six documents, which is taken on record and collectively marked as 'X-2' for identification. Page one of the compilation is a report from the District Superintendent of Police, Nashik Rural, addressed to the Director General of Police, State of Maharashtra, Mumbai. It is set out in the said report that some of the Speakers are prone to making inflammatory speeches which are likely to hurt the feelings and sentiments of people belonging to different religions. It is also mentioned that the person who is to be honoured in the said gathering, namely, Sadhvi Pradnyasingh Thakur, is an Accused in the bomb blasts that took place in Malegaon in 2008. Considering the present situation at Nagpur and the burial ground of Aurangzeb, the law and order situation is likely to be seriously affected by such congregation.

8. It is further contended that Gudhi Padva is to be celebrated on 30th March, 2025 and Ramzan Eid would be celebrated on 31st March, 2025. This would be followed by some other religious occasions in the month of April, 2025. If the permission is granted to the Sakal Hindu Samaj, religious feelings

of people belonging to different religions are likely to be affected. Inflammatory speeches by the Speakers would create a law and order situation. The compilation 'X-2' also contains a report from the Police Inspector, Chhavani Police Station addressed to the Tehsildar, Malegaon wherein the names of the some of the Speakers have been mentioned and it is ascribed to them that they are prone to making inflammatory statements. Various offences registered against some of the Speakers and some of the members of the organizing body, are also pointed out.

CONCLUSIONS

9. We have considered the extensive submissions of the learned Advocate for the Petitioner and the learned Government Pleader, till late hours this evening.

10. India has celebrated its 78 years of independence and 75 years of the Constitution of India.

11. This country has made a huge progress and is now acknowledged to be one of the most progressing countries in the world. India has made remarkable strides on the global stage,

emerging as a key player in various domains, from technology and space exploration to economic growth and diplomacy. As the world's fifth largest economy, India continues to be a hub for innovation, entrepreneurship and manufacturing, solidifying its position as a crucial driver of global development.

12. In science and technology, India has achieved historic milestones, including the successful Chandrayaan and Aditya L1 missions, demonstrating its growing prowess in space exploration. On the geopolitical front, India's diplomatic influence has expanded with strategic partnerships across continents and a pivotal role in global forum, like G20, BRICS and the United Nations.

13. With a young and dynamic population, India continues to shape the future of global trade, innovation and culture, reinforcing its status as a rising super power with a vision for inclusiveness and sustainable progress.

14. We are of the view that people should act responsibly showing wisdom and patriotism and allow people to profess their religion, customs and worship. Wisdom comes from understanding

and harmony arises when we embrace that understanding with kindness and compassion. 'Live and let live' should be the hallmark of our character. True peace is found not in mere knowledge, but in the balance of the mind, heart and soul.

15. The learned Advocate for the Petitioner submits that none of the Speakers would deliver inflammatory speeches which are likely to incite adverse feelings amongst persons professing any religion.

16. The learned Government Pleader insists that if this Court is inclined to grant permission, certain modalities be worked out in such a way that, on the one hand, the organizer would celebrate in a peaceful manner and, on the other hand, the law enforcing agencies would also be able to ensure peace and tranquility.

17. We are informed that there has been no communal violence in Malegaon after 2008 and people of different religions have been living together, believing in harmonious co-existence and creating happiness for each other in the last more than 17 years.

18. In *Vinoj Versus Union of India & Ors.*¹, the Hon'ble Supreme Court expressed that the Court believes and trusts that the authorities will act in accordance with law. While examining any application for permission for procession etc., they shall proceed in accordance with law and shall record reasons, if any, for rejecting the application. The authorities will maintain data regarding the applications received and the reasons given for allowing or disallowing such applications.

19. Before the Madurai Bench of the Madras High Court in Writ Petition (MD) No. 3154 of 2019 (*L. Cheziyan @ Sakthivel Versus The Commissioner of Police, O/o. Commissioner of Police, Trichy & Others*), the learned Single Judge delivered an order on 13th February, 2019. It deals with the right to free speech, reasonable restrictions and the ambit of Articles 19 and 21 of the Constitution of India. It was recorded that written undertakings from the organizers should be taken and none of the Speakers, while they exercise their right to free speech and expression, would violate any of those aspects on which the State has power to make laws

1 Writ Petition (Civil) Diary No. 3390 of 2024 dated 22nd January, 2024

under Article 19 (2) of the Constitution of India. Each Speaker shall ensure that the religious sentiments of any religion are not hurt and the organizer would ensure that no picture or cartoons or caricatures or posters or every form of visual depiction or symbols or images, should be of such type that religious sentiments of persons belonging to other religion would be hurt or affected.

20. There have been long and heated submissions amongst the learned Advocates for the respective sides. We have been briefed on a somewhat tense situation.

21. Taking into account all the factors canvassed before us, we deem it advisable and appropriate and we direct that the function/congregation/sammelan shall be organised in between 7.00 am to 5.00 pm. After 78 years of the freedom of India, we have every reason to believe that the population of this country is sufficiently educated and wise to understand the self imposed limitations on what to speak and what not to. Wisdom should prevail and the Speakers would also ensure that as they express their thoughts, none of them would be directed against any other religion due to which the members of other religion would feel hurt.

22. For the said purpose, it would be appropriate and we so direct that the Managing Committee of the organizers of the said function would give an undertaking to the Additional Superintendent of Police, Malegaon, District Nashik, latest by 6.00 pm on 29th March, 2025. Such undertaking would not only bind the organising committee, but also the speakers who will be equally accountable. The Managing Committee of the organizer would be bound by the assurance given to the Court and the undertaking of expressing their thoughts and views without hurting any person who professes any other religion.

23. We also direct that the Police Authorities would earmark a particular route to the ground where the function would be arranged and ensure that it does not pass through a crowded and congested locality. Adequate police bandobast as may be deemed fit and proper by the law enforcing agencies, would be maintained. Any person violating the law and order norms or the undertakings given, should be proceeded against strictly in accordance with the procedure and the provisions laid down in law.

24. **This Writ Petition is partly allowed.** With the above directions, we quash and set aside the impugned order dated 25th March, 2025, marked 'X-1'. We permit the Virat Hindu Sabha Sammelan on the aforesaid conditions and to be held only in between 7.00 am to 5.00 pm, as the organizers would prefer to arrange. We have recorded the statement that the function would not last beyond four hours.

25. We also record that the issue as regards the charges to be paid for a special bandobast for the function around the said ground and the path taking by attendees to the said ground, if any, is left to the decision making authority of the Police Department in the light of the vehement submissions of the learned Government Pleader.

26. Since this order has been dictated in open Court from 6.45 pm, the parties concerned would proceed to act in accordance with the order, without waiting for the order to be uploaded on the official website of the Bombay High Court.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)