

Sanjeevayya and Ors vs the State of Karnataka and Ors

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Court : Karnataka Kalaburagi

Decided On : Dec-27-2024

Judge : R.Nataraj

Appeal No. : WP/203962/2024

Appellant : Sanjeevayya and Ors

Respondent : The State of Karnataka and Ors

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 27TH DAY OF DECEMBER, 2024 BEFORE THE HON'BLE MR. JUSTICE R.NATARAJ WRIT PETITION NO. 203962 OF 2024 (GM-RES) BETWEEN:

1. SANJEEVAYYA S/O HANAMAYYA PUJARI AGE: 36 YEARS, OCC: AGRI, ARCHAK ANJANEYA DEVASTHANA, NEAR PANCHAYAT,

2. SMT. HUSSANBI W/O KHASIM SAB

AGE: 37 YEARS, R/O CHIKALAPARVI PRESIDENT, GRAMA PANCHAYAT, Digitally signed by SUMITRA MADLAPUR, TQ.MANVI, SHERIGAR DIST.RAICHUR Location: HIGH COURT OF KARNATAKA

3. SMT. MANJULA AGE: 31 YEARS R/O KATARKI

4. SMT. HULIGEMMA W/O AYYANNA AGE: 45 YEARS -2-

5. ALLAPPA S/O HANAMANTRAYA AGE: 60 YEARS

6. BASAWARAJ S/O YANKANNA AGE: 32 YEARS PETITIONERS (BY SRI J AUGUSTIN, ADVOCATE) AND:

1. THE STATE OF KARNATAKA THROUGH PRINCIPAL SECRETARY VIKASA SOUDHA, BANGALORE - 560 001.

2. THE DEPUTY COMMISSIONER RAICHUR,

3. SUPERINTENDENT OF POLICE RAICHUR DIST.RAICHUR - 584 123.

4. THE POLICE INSPECTOR MANVI POLICE STATION, TQ.MANVI, -3-

5. THE TAHASILDAR MANVI, TQ.MANVI, RESPONDENTS (BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1 TO R5) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF

THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN ORDER

OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE ANNEXURE-E ISSUED COMMUNICATION/NOTICE BY THE RESPONDENT NO.5 TAHASILDAR MANVI TALUKA DATED 26.12.2024 BEARING NO. A.PAzAi/JA.J.f/15/2024-25 AND TO ISSUE A WRIT OR ORDER IN THE NATURE OF MANDAMUS BY DIRECTING THE TAHSILDAR RESPONDENT NO.5 OF MANVI TO ACCORD PERMISSION TO CONDUCT ANNUAL RELIGIOUS RITUALS OF JATRA WORSHIP AND UCHAYI ON 28.12.2024 AND ON 29.12.2024 DURING THE JATRA OF LORD MARUTESHWAR (ANJANEYA) OF MADLAPUR VILLAGE MANVI TALUK DIST:RAICHUR AND TO ENSURE POLICE PROTECTION AND ARRANGEMENT FOR PROPER CONDUCT OF THE JATRA. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.NATARAJ -4-

ORAL ORDER

(PER: HON'BLE MR. JUSTICE R.NATARAJ) The petitioners have challenged the endorsement bearing No.PAzAi/JA.J.f/15/2024-25 dated 26.12.2024 rejecting permission for conduct of fair of Maruteshwara Temple, Madlapur village between 28.12.2024 and 29.12.2024 on the ground that it would lead to disturbance of law and order.

2. The petitioner No.1 who is the Archak, while the

other petitioners are the Members of Gram Panchayat Madlapur, who all contend that an annual fair of Maruteshwara temple is scheduled between 28.12.2024 and 29.12.2024. They contend that their request for permission to conduct the fair was rejected by the respondent No.5 on the ground that it would result in disturbance of law and order. They contend that the apprehension of respondent No.5 is without any basis but is designed at the whims and fancies of respondent No.5. -5-

3. Learned counsel for the petitioners reiterated

above and contended that the endorsement is as bald as it could be. Learned Additional Government Advocate, on the other hand, submitted that the respondent No.5 is aware of the law and order situation and therefore he has refused permission.

4. I have considered the submissions of the learned counsel for the petitioners and the learned Additional Government Advocate.

5. The existence of the temple at Madlapur is not in

dispute. It is also not in dispute that fairs are conducted in the temple from time to time. If conducting religious festivities in the temple is an annual affair, the respondents cannot come in the way and disturb the conduct of the religious functions. If there is any possibility of disturbance of law and order, it is for the

respondents to ensure protection and to take sufficient care to ensure orderly behaviour. -6-

6. In that view of the matter, the respondent No.5 is

directed to grant permission to the petitioners to conduct the annual Jatra and Uchayi at Maruteshwara Temple (Anjaneya Temple), Madlapur village, Manvi Taluk, Raichur District to be held on 28.12.2024 and 29.12.2024. Respondent Nos.3 and 4 shall ensure peaceful conduct of the religious

festivities and also ensure that there is no law and order

problem. In view of the above order passed, this writ petition stands disposed off.
Sd/- (R.NATARAJ) JUDGE SWK List No.: 2 Sl No.: 1 CT-NI

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