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WP-47937-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 16th OF DECEMBER, 2025WRIT PETITION No. 47937 of 2025*BAJARANG DAL(RANI DURGA VATI JILA)**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Ashok Lalwani - Senior Advocate with Shri Guru Prasanna Singh
Parihar - Advocate for petitioner.

Shri A.S. Baghel - Government Advocate for respondents/State.
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ORDER

Learned counsel for the petitioner has brought on record along with an application a resolution dated 06.12.2025 authorizing the petitioner to file the petition.

2. Present petition has been filed assailing the order dated 01.12.2025 passed by the respondent No.4 whereby an application filed by the petitioner seeking permission to hold Sourya Yatra on the eve of Gita Jayanti has been refused.

3. It is the case of the petitioner that Mahakaushal Vishwa Hindu Parishad is a registered Society under the Societies Registration Adhiniyam, 1973 bearing registration no.13914. Bajrang Dal is a Hindutva organization that forms the youth wing of the Vishva Hindu Parishad (VHP). It is a member of the Sangh Parivar led by the Rashtriya Swayamsevak Sangh



(RSS), a right-wing of Hindutva organization. It was founded on 1st October, 1984 in Uttar Pradesh. The Vishwa Hindu Parishad (VHP) and its youth wing, the Bajrang Dal, organize "Shaurya Yatras" with the objectives of promoting Hindu values, history and patriotism among youth and educating youth and rural citizens about Hindu history, culture, traditions, and "Sanatan Dharma". Moreover, having an object by engaging and inspiring young people to devote themselves to the nation and "Dharma." Gita Jayanti being the Hindu festival commemorating the birth of the Bhagavad Gita, which marks as a day that Lord Krishna imparted its teachings to Arjuna on the battlefield of Kurukshetra. It is celebrated on the Shukla Ekadashi (11th day of the waxing moon). The day is observed by reciting the Bhagavad Gita, engaging in devotional method to discourses on its philosophy. The petitioner has decided to hold a "Shaurya Yatra" on 4th of December, 2025 in Jabalpur for which the route chart of Shaurya Yatra has been mentioned in the application seeking permission pointing out that yatra will begin from Gohalpur Chowk, pass through Hanuman Temple, Motinala, Fish Market, Budhi Khermaai Temple, Charkhamba and conclude at Milauniganj, Chhote Phuhara, Damoh Naka, and Gohalpur. The application was filed before the Sub Divisional Magistrate and the concerned SHO for seeking permission to hold the yatra. The respondent No.4 rejected the application taking in view sanctity of law order situation in terms of Section 30 of the Police Act, 1961. Therefore, this petition is filed.

4. It is argued that Sub-section 2 of Section 30 of the Police Act, 1961 provides only regulatory powers and there cannot be any blanket order



to hinder a democratic dissent to be shown by any citizen. The petitioner are having fundamental rights to freedom of Religion under Articles 25 and 26 of the Constitution of India and also right to assemble peacefully under Article 19(1)(b) of the Constitution of India. The permission for holding a yatra cannot be denied on the ground that there appears to be a law order situation. The administrative authorities are duty bound to maintain law and order situation and just to avoid themselves from holding their duties, taking aid of Section 30 of the Police Act, 1961 the application for holding a yatra has been rejected. No sufficient reasons are assigned in the impugned order. He has placed reliance upon a judgment passed by the High Court of Madras in the case of *K. Chinnakaruppan vs. The Superintendent of Police and others* (W.P.No.18165 of 2014) as well as the judgment passed by the Division Bench of the High Court of Madras in the case in *Ramasamy Udayar vs. The District Collector and others* reported in 2021 SCC Online Madras 1779 with reference to para 34. Therefore, he has prayed for quashment of the impugned order and prays for a permission to organize a yatra.

5. Learned Government Advocate appearing for the respondents/State has vehemently opposed the contentions and supported the impugned order. It is pointed out that it is a total discretion of the authorities whether to grant permission or not for holding a yatra. If the authorities find that there is possibility of law order situation, permission can always be rejected. He has placed reliance upon Section 30 of the Police Act, 1961 to points out that discretion is with the authorities. On the application filed by



the petitioner, the respondents/authorities sought information from the SHO Hanumantal and SHO Gohalpur and finding that there is possibility of law order situation, the permission sought for holding a Shourya yatra has been denied in terms of Section 30 of the Police Act, 1961. He fairly submits that petitioners are having the fundamental rights to follow any Religion and to hold such yatra, but it is the duty cast upon the administrative authorities to maintain law order situation and if there is a reasonable possibility of disturbance being created, the permission can always be turned down. It is also contended that permission for holding a yatra was sought for 04.12.2025, which is already over and there is no fresh application placed on record to show that they are organizing a yatra in future also. This petition was filed on 08.12.2025 and the rejection order is dated 01.12.2025. Once there is no proposal for holding a yatra in future, no relief can be extended to the petitioner as date for holding a yatra is already over. He has prayed for dismissal of the writ petition.

6. Heard learned counsel for the parties and perused the record.

7. The sole question which came up for consideration is that whether the authorities are having discretion to reject application for holding a yatra as mentioned in the petition on the ground of law order situation or not?

8. Reasons for rejection assigned by the authorities in the impugned order are as under:-

"उक्त के संबंध में संबंधित क्षेत्र के थाना प्रभारी हनुमानताल, थाना प्रभारी गोहलपुर अभिमत लिया गया। थाना प्रभारी हनुमानताल, थाना प्रभारी गोहलपुर द्वारा दिये गए अभिमत एवं कानून व्यवस्था की संवेदनशीलता को दुष्टिगत् रखते हुए पुलिस अधिनियम 1951 की धारा 30 में उल्लेखित प्रावधानों के तहत आपके द्वारा चाही गई अनुमति अस्वीकार की जाती है।"



9. The application filed by the petitioner has been rejected after taking opinion from the concerning SHOs i.e. SHO Gohalpur and SHO Hanumantal, who have pointed out that sanctity of law order situation looking to the route on which yatra is to be organized placing reliance upon Section 30 of the Police Act, 1961.

10. Section 30 of the Police Act, 1961 is relevant and reads as under:-

"30. Regulation of public assemblies and processions and licensing of the same:-

(1) The District Superintendent or Assistant District Superintendent of Police may, as occasion required, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license, specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section:

Provided that no fee shall be charged on the application for, or grant of any such license."

11. Sub Section 2 of Section 30 of the Police Act, 1961 clearly provides a discretion to the Sub Divisional Magistrate to get an opinion and if it is found that the situation is uncontrollable and if there is possibility of beach of peace, the required permission can always be rejected.

12. A Division Bench of High Court of Madras had an occasion to deal with similar aspect in the case of *C.J. Rajan Organiser Peoples Watch*



vs. Deputy Superintendent of Police and Another reported in 2008 SCC

OnLine Mad 1534 and has held as under:-

"12. Therefore, it is too late for the respondents to refuse permission to hold a meeting on a matter of public importance. With respect to the respondents' reliance upon Section 30(2) of the Police Act, 1861, it can only be said that it enables the respondents to direct the control and conduct of all assemblies and processions on public road or in the public streets or thoroughfares and to prescribe the Rules by which and the times by which the processions may pass and Section 30(2) and (3) on which reliance was placed, is extracted below:

Sec 30(2):" He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice, that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a licence.

(3) On such application being made, he may issue a licence, specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section."

13. Therefore, the said provision is only a regulatory power and not a blanket power to strifle any democratic dissent of the citizens by the Police.

14. While dealing with a similar situation on the powers conferred on the Commissioner of Police under Section 41 of the Madras City Police Act, 1888, this Court (R. Jayasimha Babu, J.) vide judgment in P. Nedumaran v. State of Tamil Nadu and others [1999 (1) L.W. (CRI) 73] defined the scope of the rights of citizen and the power of the State to impose reasonable restriction. The following passages found in paragraphs 15 to 18 may be usefully extracted:

Para 15: "The rights conferred on the citizens by Article 19 of the Constitution are precious rights and are not to be lightly breached or restricted by the State or any functionary of the State. Any regulation of exercise of those rights must be for the purposes specified in Article 19 of the Constitution itself, and that power must be so exercised as to subserve the larger public good. The power to impose restrictions is not the power which is available for exercise in an arbitrary manner or for the purpose of promoting



the interest of those in power, or for suppressing dissent Democracy can be made dynamic an truly alive only when there is free market for ideas and discussion and debate is not only permitted but is encouraged. All expression of opposing view point cannot be regarded as dangerous to the safety or security of the country and all expressions which do not find the approval of those exercising the power of the State cannot be regarded as harmful to the State and to the public order.

Para 16: The power conferred on the Commissioner under Section 41 of the Madras City Police Act is sweeping, that power is meant to be exercised with great care and caution. The Madras City Police Act is a pre-Constitution enactment, and the powers conferred on the authorities at a time when the country was under the colonial regime, and during the period when suppression of dissent was considered to be a legitimate policy of the State, cannot be exercised after the enactment of the Constitution in the same manner, as it was exercised earlier. The Intelligence Report placed before the Court shows that the police still have the attitude which does not seem to recognise that the country is a democratic nation, where every citizen has a right to full and equal participation in the process of Government. No citizen can be regarded as an enemy of the State merely because he has voiced a view which is not the one favoured by those in authority.

Para 17: The fact that the police are vested with power should not make them assume that, that power is available for exercise in any manner that they consider fit. That power is to be exercised strictly within the ambit of the provisions of the Constitution, more particularly, the requirement that any restriction placed on the exercise of fundamental rights should be a reasonable restriction, and the restrictions so placed should be shown to be essential, having regard to the permissible purpose for which restrictions may be imposed.

Para 18: The fact that the petitioner-Association is voicing a view point which may not be popular cannot be a justification for preventing that point of view being projected."

13. The Hon'ble Supreme Corut in the case of *K. Phanindra Reddy IAS and others vs. G. Subramanian* reported in 2023 SCC OnLine SC 402 has also considered the similar aspect and held as under:-



" 4. The brief facts sufficient for the disposal of all these special leave petitions are as follows:-

(i) A batch of 49 writ petitions were filed by the office bearers of the Rashtriya Swayam Sevak Sangh (RSS), on the file of the High Court of Judicature at Madras seeking a direction to the State, the Director General of Police, the Superintendents of Police of various districts and the Inspectors of Police of certain police stations to permit the members of the Organisation to conduct a procession (Route March) through identified places. The contention of the writ petitioners was that they wanted to hold the procession on 02.10.2022, but that their applications for permission to hold the Route March were not considered by the appropriate authorities;

(ii) The batch of writ petitions were disposed of by a learned Judge of the Madras High Court, by an order dated 22.09.2022, with certain directions;

(iii) The State filed a batch of applications for review. At about the same time, one of the representations seeking permission to hold the march in Chennai was rejected by the local Inspector of Police, by an order dated 27.09.2022;

(iv) The order of rejection led to a legal notice dated 28.09.2022 followed by a Contempt Petition, against, (i) The Secretary to Government, Home Department; (ii) The Director General of Police; (iii) The Superintendent of Police; and (iv) The Inspector of Police;

(v) When the contempt petition came up for hearing on 30.09.2022, the date on which the organisers wanted to conduct the Route March was only 48 hours away. Therefore, the learned Judge before whom the contempt petition came up, passed an order on 30.09.2022 to the following effect:-

"5. Hence, the respondents justified the reasons for rejecting the request made by the petitioners. Therefore, it is not possible for the respondents to grant permission for the procession to be held on 02.10.2022. However, this Court suggested for any other date except Gandhi Jayanthi i.e. 02.10.2022 to conduct procession and to conduct public meeting.

6. The learned Senior Counsels appearing for the petitioners suggested four dates i.e. 09.10.2022, 16.10.2022, 06.11.2022 and 13.11.2022 and the learned Senior Counsel appearing for the first respondent submitted that except Gandhi Jayanthi on 02.10.2022, they will consider the same representations of the respective petitioners seeking permission to conduct procession and to conduct public meetings on any other date.

7. Considering the above submissions made on either side, this Court fix the date to conduct procession and to conduct public meetings on 06.11.2022. Till then, the petitioners are directed not to precipitate the issue. However, it is for the State to maintain law and order problem. It is made clear that the respondents shall permit the petitioners on their earlier representations to conduct procession and to conduct public meetings on 06.11.2022.

8. Registry is directed to list the matter along with all the connected



contempt petitions

numbered subsequently on 31.10.2022”

(vi) Pursuant to the aforesaid order dated 30.09.2022, the Director General of Police issued a memorandum dated 29.10.2022 instructing Commissioners/Superintendents of Police of the Districts to pass necessary orders on the representations of the organisers;

(vii) In the light of the memorandum issued by The Director General of Police on 29.10.2022, the learned Judge before whom the contempt petitions came up on 31.10.2022, passed an order to the following effect:-

“The learned Senior Counsel appearing for the petitioner produced the order passed by the second respondent viz., the Director General of Police, dated 29.10.2022, thereby directing all the Commissioner of Police/Superintendent of Police, to pass order on the applications made by the respective petitioners in accordance with the order passed by this Court dated 22.09.2022 in W.P.No.24540 of 2022 etc., batch. Accordingly all the applications submitted by the petitioners are under consideration of the respective Commissioner of Police/Superintendent of Police and they are about to pass orders within a day or two.

2. Post the matter on 02.11.2022 under the caption “for reporting compliance” at 2.15 p.m.

(viii) On 02.11.2022, the Staff Officer in the Office of the Director General of Police filed a status report claiming that in view of certain developments that took place after a cylinder blast in Coimbatore City on 23.10.2022, a fresh assessment of the local situation had to be made by the Commissioners/Superintendents of Police. In short, the status report indicated that, (i) it is not advisable to permit any processions/public meetings in 24 locations; (ii) that processions/public meetings can be permitted in 23 locations only in enclosed ground/premises; and (iii) procession can be permitted in three locations;

(ix) Incidentally, the contempt petitions as well as the applications for review were listed before the learned Judge on the very same date namely 02.11.2022. The learned Judge passed two independent orders, one in the batch of contempt petitions and another in the batch of review applications;

(x) The relevant portion of the order passed in the review applications reads as follows:-

“3. Today when the matters are taken up for hearing, the learned State Public Prosecutor appearing for the petitioners submitted that out of 50 places, in three places, the respective respondents were granted permission to conduct procession and public meeting on 06.11.2022. Insofar as 23 places are concerned, respective respondents are permitted to conduct procession/public meeting in an indoor place. Insofar as 24 places are concerned, respective authorities found that there will be a law and order issue and rejected the requests in view of the intelligence report received



from the authorities concerned. He further submitted that the respective respondents also approached this Court by way of Contempt Petitions and same are pending before this Court.

4. In view of the various orders passed by the authorities concerned, nothing survive in these Review Applications. Accordingly, all the Review Applications are closed. Consequently, the connected miscellaneous petitions are also closed.

(xi) But in the batch of contempt petitions, the learned Judge passed an order adjourning the contempt petitions to 04.11.2022, for passing appropriate orders after perusing

the Intelligence Report produced by the State in a sealed cover;

(xii) On 04.11.2022 the learned Judge passed final orders in the contempt petitions, virtually modifying the original order passed on 22.09.2022. The operative portion of the Order passed on 04.11.2022 passed in the batch of contempt petitions reads as follows:

“9. Therefore, this Court is inclined to grant permission to conduct procession and public meeting on 06.11.2022 on the following conditions:-

i. The procession and public meetings should be conducted in a compounded premises such as Ground or Stadium. It is made clear that while proceeding to conduct procession and public meeting, the participants shall go by walk or by their respective vehicles without causing any hindrance to the general public and traffic.

ii. During the program, nobody shall either sing songs or speak ill on any individuals, any caste, religion, etc.,

iii. Those who participate in the program shall not for any reason talk or express anything in favour of organizations banned by Government of India. They should also not indulge in any act disturbing the sovereignty and integrity of our country.

iv. The program should be conducted without causing any hindrance to public or traffic.

v. The participants shall not bring any stick, lathi or weapon that may cause injury to any one.

vi. The organizer(s) shall make adequate arrangements for drinking water and proper First Aid/Ambulance/Mobile Toilets/CCTV Cameras/Fire Fighting equipments etc., in consultation with the Police/Civic/Local Bodies as directed by the police.

vii. The organizer(s) shall keep sufficient volunteers to help the police for regulation of traffic and the participants.

viii. Only box type speakers should be used and output of the speakers should not exceed 15 watts~ad within a radius of 30 meters only. Cone Speakers should not be used at any cost.

ix. In the procession, the processionists shall not by any manner offend the sentiments of any religious, linguistics, cultural and other groups.



x. An undertaking to reimburse the cost for any damage that may occur enroute to any public/private property and an undertaking to bear the compensation/replacement costs as well, if are to be awarded to any other institution/person, who may apply for the same.

xi. If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law.”

(xiii) Aggrieved by the order so passed by the learned Judge on 04.11.2022 in the batch of contempt petitions, a batch of intra-court appeals were filed by the organizers. These intra-court appeals were allowed by a Division Bench of the High Court by an order dated 10.02.2023. The operative portion of the order of the Division Bench reads as follows:-

“33. In the result, the order dated 04.11.2022 passed in the contempt petitions, which is under challenge in the present LPAs, is set aside, and the order dated 22.09.2022 passed in the writ petitions stand restored and would be enforceable. As the dates on which the appellants wanted to conduct the route-march, have passed, it is only appropriate that a direction be issued in this regard. Accordingly, the appellants are directed to approach the State authorities with three different dates of their choice for the purpose of holding the route-march/peaceful procession and the State authorities are directed to grant permission to the appellants on one of the chosen dates out of the three. The organization shall ensure that strict discipline is followed at their end and that there is no provocation or incitement on their part. The State on the other hand has to take adequate safety measures and make traffic arrangements to ensure that the procession and the meeting shall go on peacefully.”

(xiv) Challenging the order of the Division Bench passed in the intra-court appeals arising out of the order passed in the contempt petitions, the Secretary to Government, Home

Department, the Director General of Police, the Commissioner of Police and the Inspector of Police first came up with a special leave petition in Special Leave Petition (C) No.4163 of 2023. When this special leave petition came up for orders as to admission on 03.03.2023, it was submitted by Shri Mukul Rohatgi, learned senior counsel and Shri V. Krishnamurthy, learned AAG for the State of Tamil Nadu that the State would come up with some suggestions as to how best to resolve the issue. Therefore, Special Leave Petition (C) No.4163 of 2023 was adjourned to 17.03.2023.

(xv) Subsequently, the State filed the other special leave petitions challenging the earliest order of the learned Judge of the High Court dated 22.09.2022 passed in the batch of writ petitions as well as the order dated 02.11.2022 passed by the learned Judge in the batch of review applications.

(xvi) Thus we have on hand, three special leave petitions, the first one



arising out of the last order, namely, that of the Division Bench of the High Court dated 10.02.2023 and the other two special leave petitions arising out of the earlier orders of the learned Single Judge dated 22.09.2022 and 02.11.2022.

5. Insofar as the first special leave petition is concerned, it arises out of the order of the Division Bench passed in a batch of intra-court appeals challenging the order passed by the learned Judge in a batch of contempt petitions. This Court need not even go into several aspects argued across the Bar, for the simple reason that the learned Judge travelled beyond the scope of a contempt petition and this is why the said order warranted interference by the Division Bench. After having disposed of the batch of main writ petitions by a final order dated 22.09.2022 in a particular manner and after having dismissed the batch of review applications on 02.11.2022, the learned Judge could not have modified his original order dated 22.09.2022 in a batch of contempt petitions on 04.11.2022. Therefore, the Division Bench of the High Court was justified in interfering with the order of the learned Judge. On this short ground, Special Leave Petition (C) No.4163 of 2023 deserves to be dismissed.

6. Coming to the other special leave petitions, the same arise out of the original order passed by the learned Judge on 22.09.2022 in the batch of writ petitions and the order dated 02.11.2022 passed in the batch of review applications. A perusal of the order of the learned Judge shows that the learned Judge considered the scope of Sections 41 and 41A of the Chennai City Police Act, 1888 and Section 30 of the Police Act, 1861, to come to the conclusion that the reliefs sought in the writ petitions deserved to be granted subject to certain conditions. The operative portion of the order dated 22.09.2022 reads as follows:

“11. In view of the above order passed by the Hon'ble Supreme Court of India as well as various orders passed by this Court, it would be appropriate to direct the respondents to grant permission to conduct procession and to conduct public meeting on 02.10.2022 at various places subject to the following conditions on or before 28.09.2022:-

- i. During the program, nobody shall either sign songs or speak ill on any individuals, any caste, religion, etc.,*
- ii. Those who participate in the program shall not for any reason talk or express anything in favour of organizations banned by Government of India. They should also not indulge in any act disturbing the sovereignty and integrity of our country.*
- iii. The program should be conducted without causing any hindrance to public or traffic.*
- iv. The participants shall not bring any stick, lathi or weapon that may cause injury to any one.*
- v. The organizer(s) shall make adequate arrangements for drinking water and proper First Aid/Ambulance/Mobile Toilets/CCTV Cameras/ Fire*



Fighting equipments etc., in consultation with the Police/Civic/Local Bodies as directed by the police.

vi. The procession shall proceed in any orderly manner along the sanctioned route keeping to the left and shall not halt on the way or cause impediment to the normal flow of traffic. The procession shall occupy only one-fourth of the road.

vii. The organizer(s) shall keep sufficient volunteers to help the police for regulation of traffic and the participants.

viii. The organizer(s) of procession/rally shall be responsible for ensuring that the route

permitted to them by the Police Authorities is strictly followed.

ix. Only box type speakers should be used and output of the speakers should not exceed 15 watts and within a radius of 30 meters only. Cone Speakers should not be used at any cost.

x. In the procession, the processionists shall not in any manner offend the sentiments of any religious, linguistic, cultural and other groups.

xi. An undertaking to reimburse the cost for any damage that may occur enroute to any

public/private property and an undertaking to bear the compensation/replacement costs as well, if are to be awarded to any other institution/person, who may apply for the same.

xii. If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law.”

14. As the date for holding a yatra was 04.12.2025 and there is no subsequent application filed by the petitioner pointing out the subsequent date for holding yatra, which is not reflected from any documents placed on record, no direction can be issued to the authorities to grant permission. However, it is an oral submission before this Court that they have changed the date of yatra to 27.12.2025 and therefore, permission be granted for carrying out yatra on 27.12.2025. However, no application is placed on record along with petition, therefore, no direction can be issued. However, the petitioner is at liberty to file such an application before the authorities. If such an application is filed before the competent authorities, the authorities are directed to dwell upon the same taking note of the observations made



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hereinabove as well as direction issued by the Division Bench of Madras High Court as well as by the Hon'ble Supreme Court in the aforesaid cases and take a final decision on the application, if submitted.

15. The writ petition stands disposed off accordingly.

(VISHAL MISHRA)
JUDGE

sj