

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 8th OF APRIL, 2024

WRIT PETITION No. 9462 of 2024

BETWEEN:-

**SURESH CARLETON S/O LATE SHRI CARLETON,
AGED ABOUT 69 YEARS, OCCUPATION:
SERVICE A-92, GREATER BRIJESHWARI
COLONY, BICHOLI MARDANA ROAD, INDORE
(MADHYA PRADESH)**

.....PETITIONER

**(BY SHRI R. S. CHHABRA SENIOR ADVOCATE WITH SHRI AMAN
ARORA - ADVOCATE)**

AND

- 1. THE STATE OF MADHYA PRADESH
PRINCIPAL SECRETARY HOME
DEPARTMENT VALLABH BHAWAN,
BHOPAL (MADHYA PRADESH)**
- 2. STATION HOUSE OFFICER POLICE
STATION, SOUTH TUKOGANJ, INDORE
(MADHYA PRADESH)**
- 3. SUB DIVISIONAL MAGISTRATE BICHOLI
HAPSI, COLLECTOR, INDORE (MADHYA
PRADESH)**
- 4. COLLECTOR COLLECTORATE, INDORE
(MADHYA PRADESH)**
- 5. SUB DIVISIONAL AND ASSISTANT
RETURNING OFFICER LOK SABHA AREA
26, VIDHAN SABHA 208, INDORE (MADHYA**

PRADESH)

.....RESPONDENTS

(BY SMT. ARCHANA KHER – A.A.G. FOR STATE; SHRI VINAY JOSHI – ADVOCATE FOR INTERVENOR; SHRI GOVIND PUROHIT – ADVOCATE FOR INTERVENOR – NEERAJ DWIVEDI; AND MS. MINI RAVINDRAN – ADVOCATE FOR RESPONDENT NO.5)

.....
This petition coming on for admission this day, the court passed the following:

ORDER

1] This petition under Article 226 of the Constitution of India has been filed by the petitioner seeking the following reliefs:

“7.1 Impugned order dated 7.4.29024 (annexure P/8) may kindly be set aside and quashed.

7.2. Declare action of respondent no.5 in withdrawing the permission to the petitioner for holding a prayer meeting at Abhya Prashal Club stadium is arbitrary and constitutionally invalid and violative of Article 14, 19(1)(a), 19(1)(b), 21 and 25 of the Constitution of India.

7.3 Direct the Respondent No.2 to produce the relevant material and evidence on the basis of which decision was taken to withdraw the permission issued to the Petitioner.

7.4 Direct the Respondent No.2 to provide police protection to ensure peaceful meeting and prevention of any situation of law and order on 10.04.2024.

7.5 Departmental inquiry may kindly be initiated against the Respondent no.2;

7.6 Any other relief in favour of the Petitioner which this Hon’ble Court may deem fit.”

2] The petitioner is aggrieved by the order dated 07.04.2024, passed by the respondent No.5, Sub Divisional and Assistant Returning Officer, Lok Sabha Area 26, Vidhan Sabha 208, Indore (05), Indore whereby, the earlier permission granted to the petitioner to convene the meeting of Christian community has been revoked.

3] In brief, the facts of the case are that the petitioner happens to

be a member of the Christian community and is also the President of National Prayer Ministry Alliance, which planned a meeting to be held in Indore on 10.04.2024, for which, various members of the Christian community from across the State of M.P. were also invited. The petitioner earlier approached the CEO of Abhay Prashal Club Stadium on 14.03.2024 for booking of the indoor stadium for organizing the prayer meet as aforesaid on 10.04.2024. The booking was confirmed by the CEO, subject to compliance of certain terms and conditions, which involved getting permission from the concerned District Magistrate, and pursuant thereto, the petitioner, along with the Bishop of Catholic diocese approached the respondent No.4 Collector, Indore for obtaining permission for the said prayer meeting, who verbally assured him of his full support. Thus, a fee of Rs.2,10,850/- was also paid by the petitioner to the Abhay Prashal Administration for the aforesaid meeting and thereafter, the petitioner also made arrangements including booking and receiving quotations from various event organizers like tent house, decorators, sound and lighting system providers etc., the documents regarding which have also been placed on record. On 21.03.2024, the petitioner submitted an application for permission from the respondent No.4 Collector for conducting the prayer meeting on 10.04.2024 with specific timing of the prayer meeting to be held from 5:00 p.m. to 9:30 p.m., and soon thereafter, on 22.03.2024, Officer of the Assistant returning Officer, Lok Sabha 2024 Parliamentary Constituency No.26, Vidhan Sabha 206, Indore 3 granted permission subject to compliance of 17 conditions as prescribed therein, and pursuant thereto, the petitioner

and the organizing committee also distributed invitation passes to the various church leaders and started with the facilitation of travel and accommodation for the attendees, the documents regarding which, have also been placed on record. However, to the surprise of the petitioner, on 25.03.2024, he received a call from the Assistant Returning Officer informing that the permission for conducting the prayer meet on 10.04.2024 was not granted by the competent authority as the order dated 22.02.2024 was passed by the Sub Divisional Magistrate and Assistant Revenue Officer of wrong constituency No.3, and it was also clarified that the revised permission shall be granted at the earliest and thus, on 05.04.2024, revised permission order was also granted by the competent authority *i.e.*, the Officer of Sub-Divisional Magistrate, Bicholi Hapsi, Indore/ the respondent No.5 *i.e.*, Assistant Returning Officer, Vidhan Sabha, 208 granting permission to conduct prayer meet on 10.04.2024, from 5:00 p.m. to 9:30 p.m. with 27 conditions to be complied with.

4] The case of the petitioner is that the prayer meet on 10.04.2024 was restricted to Christian community only with invitation passes and all the arrangements have already been made with travel and accommodation of such guests and substantial expenditure has also been incurred in facilitating the aforesaid arrangements, and 200 volunteers have also been appointed by the organization so as to ensure that the programme is carried out smoothly however, vide order dated 07.04.2024, the respondent No.4, Sub-Divisional Magistrate, Bicholi Hapsi has revoked the permission for conducting the prayer meet on 10.04.2024, citing apprehensions of disruption of

law and order situation, based on complaints received from various Hindu and other social organizations. A notice was also issued by the SHO, Police Station Tukoganj to the Manger of Abhay Prashal auditorium informing that the aforesaid programme on 10.04.2024 has been proposed to be cancelled and if it gets cancelled, it should not be allowed to be convened, as it may lead to law and order situation and in case of any such situation, the Manager himself would be responsible.

5] Shri R.S. Chhabra, learned senior counsel assisted by Shri Aman Arora, counsel for the petitioner has submitted that the respondents were not justified in cancelling the prayer meet at the eleventh hour, especially when the necessary arrangements have been made by the petitioner and heavy expenses have also been incurred by him. It is submitted that it is not a prayer meet which is open for all and in fact, special passes have been issued to enter into the premises and the petitioner also undertakes that no law-and-order situation would arise. It is also submitted that any member of any other organization or any other officer of the State Government may remain present throughout the meeting to observe if any of the conditions as given in the sanction order is violated. Thus, it is submitted that the impugned order be set aside and the petitioner may be allowed to convene the meeting on 10.04.2024, as allowed to be conducted by the Sub-Divisional Magistrate, Bicholi Hapsi vide his order dated 05.04.2024.

6] The prayer is vehemently opposed by the Additional Advocate General Ms. Archana Kher, who has submitted that the reason for

revoking the permission was on account of the forthcoming election as the Model Code of Conduct is already in force and such meetings of religious organizations cannot be allowed to take place, which may have its own political agenda. Counsel has submitted that it is not a question of meeting of Christian or any other community, as the respondents have also cancelled such meetings of other Hindu organizations throughout the State and although the documents regarding which are not available at present, as the petition itself was filed today with mentioning for today's list, such documents may be filed if time is granted. It is submitted that the order of sanction dated 05.04.2024 clearly prescribes that such sanction can be revoked at any time without any further notice owing to law and order situation.

7] Counsel appearing for the intervener Shri Vinay Joshi, has also opposed the prayer and it is submitted that such religious meetings shall not be allowed to be convened especially when the elections are to be held within a short span of time.

8] Counsel appearing for the Election Commission of India, Ms. Mini Ravindran has also opposed the prayer and has cited the Model Code of Conduct issued by the Election Commission of India and it is submitted that such religious activities likely to create disharmony among different classes of group of people shall be avoided.

9] In rebuttal, Shri Chhabra has submitted that the apprehensions of the respondents are unfounded, and efforts are being made only to thwart the prayer meet with an ulterior motive. It is submitted that in similar circumstances, the *High Court of Delhi in W.P. No.8891/2018* vide order dated **24.08.2018** has allowed such meeting

to take place, holding that once NOC is granted, the same cannot be revisited at the last hour, unless there are compelling reasons.

10] Ms. Kher has submitted that the aforesaid decision is not applicable in the facts and circumstances of the case, when the meeting is to take place when the Model Code of Conduct is in force.

11] Heard counsel for the parties and perused the record.

12] From the record it is found that the facts of the case are not disputed. It is not disputed that the petitioner was granted permission to convene the meeting by the Sub-Divisional Magistrate vide its order dated 05.04.2024, imposing as many as 27 conditions. It is also found that so far as the Model Code of Conduct issued by the Secretariat of the Election Commission of India is concerned, the relevant excerpt of para 9, read as under:-

“9. Election related campaign activities undertaken by persons other than political parties and candidates

The Commission, has laid down the following guidelines to be observed in the matter of election related campaigns by organizations and persons other than political parties/candidates, during the period when Model Code of Conduct in operation in connection with an election;

(i) They should not invoke, in any manner, religion or religious grounds in any manner, or any activities likely to create disharmony among different classes or groups of people, in their campaign. Such activities/statements are prohibited being offences under various provisions of the law, like section 125 of the Representation of the People Act, 1951 sections 153A, 153B, 171C, 295A, 505(2) of the Indian Penal Code and Religious Institutions (Prevention of Misuse) Act, 1988.”

13] This Court is of the considered opinion that it might be true that the intention of the petitioner to convene such meeting must be purely religious in nature, however, the concern raised by the respondents can also not be said to be unfounded, looking to the various objections

they have received from other religious organizations. In such circumstances, the possibility of apprehension raised by the respondents of disruption of law and order situation can also not be said to be unsubstantiated.

14] It is true that the petitioner has also incurred various expenses to convene the aforesaid meeting, for which, the respondents had earlier given their consent, but looking to the fact that the Model Code of Conduct issued by the Election Commission of India is already in operation, this Court is not inclined to exercise its discretion under Art.226 of the Constitution of India in quashing the impugned order dated 07.04.2024, and is of the considered opinion that at this juncture the petition *sans merits*, is liable to be and is hereby, *dismissed*.

15] However, with liberty reserved to the petitioner to seek permission to organize the said programme after the elections are over, which shall be decided by the respondents in accordance with law.

16] So far as the decision relied upon by the counsel for the petitioner in W.P. No.8891/2018 is concerned, the same is distinguishable on facts as it was not a case where the permission was denied when the Model Code of Conduct issued by the Secretariat of the Election Commission of India, was in force.

17] With the aforesaid, the petition stands *disposed of*.

(SUBODH ABHYANKAR)
JUDGE