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WP-24236-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PAVAN KUMAR DWIVEDI

ON THE 26th OF JUNE, 2026WRIT PETITION No. 24236 of 2026

*WAQF KARBALA INTEJAMIYA COMMITTEE THROUGH PRESIDENT
ABDUL HAMID NIYARGAR*

*Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Rishi Shrivastava, learned counsel for the petitioner.

*Dr. Amit Bhatia, learned Government Advocate for the
respondent/State.*

*Ms. Mini Ravindran on behalf of Shri Amol Shrivastava, learned
counsel for the respondent No. 2/3.*

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ORDER

This petition is listed at the request of the petitioner by approval of Hon'ble the Acting Chief Justice of this Court.

2. Learned counsel for the petitioner along with the petitioner is present in the court.

3. The contesting party-respondent No.2/3 is being represented through Ms. Mini Ravindran, who appears on advance notice.

4. With the consent of the parties, the matter is being decided finally.

5. The issue which has been raised by the present petitioner in this petition is that the petitioner holds a traditional religious procession and fair (Mela) at Dhobhi Ghat, Indore (described in para 5.2 of the petition) every



year for which permission was being given by the Municipal Corporation, Indore/respondent No.2 from time to time, last year also the permission was given, pursuant to which the procession and mela was held in accordance with the conditions of the permission. For this year also i.e. for the year of 2026, the petitioner filed an application for permission to hold the religious procession along with fair (Mela). The Municipal Corporation after due consideration of the application granted permission vide order dated 25.06.2026 whereby subject to deposit of an amount of Rs.1,36,007/- permission to hold fair (Mela) for a period of three days starting from 26.06.2026 and ending on 28.06.2026 was given. The petitioner has placed the said permission on record as Annexure P/6. The grievance of the petitioner is that after grant of this permission the Mayor-in-Council of the respondent No.3 Municipal Corporation allegedly held its meeting in the night of 25.06.2026 at around 08.15 P.M. and passed a resolution against the said permission. In the said Resolution, it has been mentioned that the petitioner did not comply with the condition as put in place for grant of permission for the last year. Apart from this, it has also been mentioned that the fee which was prescribed for the last year was not deposited by the petitioner, as such for this year, the permission for holding fair (Mela) in this year should not have been granted by the concerned officer of the Municipal Corporation, thus, observing the permission granted by the Municipal Corporation was withdrawn.

6. The petitioner being aggrieved by the aforesaid decision of the Mayor-in-Council has filed this petition.



7. The learned counsel for the petitioner submits that the *Taazia* procession and fair (Mela) is a customary tradition which is being followed for time immemorial. He submits that every year the petitioner organizes this fair (Mela) and holds the procession of *Taazia* without there being any violation of law. Therefore, once permission was granted by the competent officer of the Municipal Corporation, the Mayor-in-Council could not have withdrawn the same without giving any opportunity of hearing to the petitioner as it is not only violates the right of the petitioner to follow devotion of their choice which is an integral part of person liberty but also violates the principles of natural justice. He also argues that no outstanding dues of the last year fees are there as the petitioner has deposited the entire amount. Also he submits that no notice of any kind was issued pointing out violation of any condition during the Mela of the last year. It has further been submitted by the learned counsel for the petitioner that the fair (Mela) is being held traditionally along with the procession and once the permission was granted the petitioner and the concerned stake-holders have taken steps pursuant to permission as the date for starting fair (Mela) is 26.06.2026 itself and the permission has been withdrawn in the night of 25.06.2026. Thus, the steps pursuant to permission which have been taken by the petitioner and the stake-holders will now go in vain and cause irreparable loss to the petitioner and all other stake-holders. He thus submits that considering the fact that the cancellation is without opportunity of hearing the same is not sustaining in the eyes of law. He thus prays for quashing of the order dated 25.06.2026 (annexure P-7).



8. Per contra, learned counsel for the Municipal Corporation vehemently opposed the prayer and points out that in fact the issue has now already been settled by competent court of law in first appeal, she submits that a perusal of para-4 of the judgment of the First Appellate Court passed on 13.09.2024 in RCA No. 87/2019 (Annexure P/2) would show that in fact even traditionally also the petitioner used only 0.02 acres of land and that too only for immersion of Taazia and not for holding fair (Mela). She also submits that looking to the fact that for the last year, the entire fee was not deposited and also the fact that the conditions subject to which permission was granted were violated, the petitioner does not deserve to be given permission for this year and the MIC has correctly taken the decision. Apart from this, the learned counsel also states that this decision has been taken in the larger public interest as the cooperative society of other communities and even other stake holders of the area have opposed to holding Mela in the area for which permission was granted. Thus, she submits that the MIC has taken a well thought of and well reasoned decision in the interest of general public which should not be interfered with. She also submits that the Mela is not traditional in nature. Thus, in any case it cannot be treated as an infeasible right of the petitioner to hold Mela.

9. Heard learned counsel for the parties. Perused the case file.

10. The Municipal Corporation has granted permission to the present petitioner vide order dated 25.06.2026 (Annexure P/6). A perusal of the same would show that the competent officer of the respondent/Municipal Corporation after considering the application submitted by the petitioner on



03.06.2026, passed this order subject to deposit of an amount of Rs.1,36,007/- which, according to the order, is the fee for holding the Mela and for immersion of Taazia at Dhobi Ghat in an area around 3 acres of land. The order itself provides the words "*Paramparaagat Mele Ka Aayojan*". There are conditions mentioned in the order itself. It has nowhere been mentioned in the entire order that last year conditions subject to which permission was given were violated. The counsel for the respondent No.3/Municipal Corporation did not bring on record or even pointed out orally any document which could show that for violation of conditions last year any action was taken by the Municipal Corporation. As such apparently there is no material at all to demonstrate that on last occasion any conditions were violated by the petitioner.

11. Apart from above, it is indisputable that the application for permission was given by the petitioner on 03.06.2026 which is evident from the order dated 25.06.2026 itself. However, the concerned officer waited till 25.06.2026 for granting permission for holding Mela from 26.06.2026 to 28.06.2026 and then this permission was withdrawn by the MIC without giving any notice to the petitioner in the night of 25.06.2026. It is only during the day of 26.06.2026 when the Mela has already begun, the petitioner came to know about the cancellation of the permission. In the considered view of this Court, the manner in which the entire issue has been handled by the Municipal Corporation is not in accordance with the proper administrative decision-making process. In all fairness, if the request was for granting permission to hold Mela from 26.06.2026 then the decisions on the



same, after considering each and every aspect, should have been made well before the said date, so that if any issue crops up then the same could have been held in timely manner.

12. Now, looking to the fact that permission was granted only on 25.06.2026 for holding mela from 26.06.2026, i.e. from today itself, there is no time to decide the larger issue regarding character of the mela whether it is traditional in nature or not, in any case in the considered view of this court these proceedings may not be proper forum for deciding that whether the Mela is being traditionally held or not. However, the permission itself as quoted above gives a traditional colour to the Mela.

13. The learned counsel for the Municipal Corporation by referring to Annexure P/2, the judgment passed by the First Appellate Court has argued that in fact in the judgment itself, it has been mentioned that only 0.02 acres of land was being used by the petitioner for immersion of Taazia, however, this is not even an issue involved in the present case for the simple reason that if the judgment at Annexure P/2 is taken as final then also what it holds is that land in question is of the title of Municipal Corporation, Indore. However, this issue of title is not at all involved in the present case, what involved is the permission granted by the Municipal Corporation. Thus, even if title belongs to the Municipal Corporation still it is the validity of the decision withdrawing permission granted by the Municipal Corporation without giving any opportunity of hearing is involved in the present case. As such, the dispute regarding title of the land is not relevant for the purposes of the present case.



14. As regards the legal right of the petitioner to hold Mela, this Court refrains from dwelling into this issue for the simple reason that for this year permission has already been granted and looking to the timeline and the manner in which it has been done, it is certainly a case of legitimate expectation because on 25.06.2026, the permission was granted and from 26.06.2026 i.e. the very next day, the Mela was to start, thus the petitioner is correct in saying that the steps have already been taken and the Mela has already been started. In the considered view of this Court looking to the fact that without giving an opportunity, the order passed by the competent authority has been cancelled to the prejudice of the petitioner, the petition deserves to be allowed. Consequently, the Resolution of the MIC dated 25.06.2026 (Annexure P/7) is hereby quashed.

15. Resultant to quashing of the decision of the MIC, the permission as contained in Annexure P/6 stands revived with all its conditions imposed.

16. Looking to the issue involved in the present case and the manner in which the application was dealt with, this Court before parting with the case considers it as apposite to issue following directions to the parties herein:-

(i) From the next year onwards, the petitioner shall submit its application for permission to hold precession and Mela well in advance at least by two and a half months.

(ii) The Municipal Corporation shall decide the said application at least before 30 days of start of the Mela.



17. It is hereby clarified that the Court has not decided the right of holding Mela by the petitioner at the place in question (as detailed in para 5.2 of the petition) every years, this decision pertains to holding the Mela for this year only. The parties are free to raise that issue independently if they wish to do so.

18. With the aforesaid, this petition stands **disposed of**.

(PAVAN KUMAR DWIVEDI)
JUDGE

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