



2026:AHC:206867-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 28047 of 2026

Shanawaz Khan And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Kumar Tiwari, Pranesh Kumar Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.

1. Heard Sri Pranesh Kumar Mishra, learned counsel for the petitioners as well as Sri Sandeep Singh, learned State Law Officer appearing for the State respondents.
2. By means of this petition filed under Article 226 of the Constitution, petitioners has prayed for a writ of mandamus to command the respondent District Administration and police authorities to permit the petitioners to perform their prayer (Azan) five times at Ayesha Mosque and also permit use of loudspeakers in that regard.
3. It is submitted by learned counsel for the petitioners that the mosque in question situate at plot no. 47, Village Pathed, Police Station Gagalhedi, District Saharanpur and despite there being judgments to this effect which permit the use of loudspeakers, the authorities are not permitting the petitioners to use loudspeakers for Azan.
4. Sri Sandeep Singh, learned State Law Officer on the previous date had placed instructions before the Court which was taken on record and as per the instructions, petitioners were not being restrained from performing Azan, however, they were to use loudspeakers as per Noise Pollution (Regulation and Control) Rules, 2000, which provides for certain level of sound in the decibel units for the use of loudspeakers and not beyond that. Further, certain time lines have also prescribed for the use of loudspeakers during Azan. He has also relied upon a judgment in the case of **Afzal**

Ansari & 2 Others v. State of U.P. & 2 Others, Public Interest Litigation No. 570 of 2020 decided on 15.05.2020 in which vide para 40 it has observed thus:

"40. Therefore, it is held that Azan may be an essential and integral part of Islam but recitation of Azan through loud-speakers or other sound amplifying devices cannot be said to be an integral part of the religion, warranting protection of the fundamental right enshrined under [Article 25](#) of the Constitution of India, which is even otherwise subject to public order, morality or health and to other provisions of part III of the Constitution of India. Thus, under no circumstances sound amplifying devices can be permitted to be used between 10.00 p.m. to 6.00 a.m. by the district administrations. Further, the petitioners have failed to bring on record or even plead that they sought any such permission for the use of sound amplifying devices, for recital of Azan from their respective mosques and, therefore, their use without such permission would be illegal and cannot be accorded approval by this Court. However, in case any such application is filed before the concerned authorities, that may be dealt with in accordance with law including Noise Pollution Rules. Furthermore, as already discussed in detail hereinabove, Azan can be recited by Muezzin from minarets of the Mosques by human voice without using any amplifying device and such recitation cannot be hindered with under the pretext of violation of the Guidelines issued by the State, to contain the pandemic- Covid-19."

5. In reply, learned counsel for the petitioners submits that there is no question of violating either any rule or the judicial pronouncement of this Court in using loudspeakers and the manner in which it is to be used during Azan, shall be strictly followed.

6. In view of the above, this petition stands **disposed of** with a direction to the petitioners to move an application along with the notarized affidavit bearing signatures of the petitioners to the effect that they would be strictly adhering to the Noise Pollution (Regulation and Control) Rules, 2000 as well as directions issued by the Division Bench of this Court in the case of Afzal Ansari (supra). In the event such an application is filed along with notarized affidavit, the police and district administration would not

be interfering in the petitioners' right to perform Azan five times in the Ayesha Mosque situated at plot no. 47, Village Pathed, Police Station Gagalhedi, District Saharanpur. It will however, be the duty of the police as well as district administration to ensure that the petitioners do abide by their own undertaking given in the affidavit, failing which it will remain open for them to take appropriate action in accordance with law.

(Garima Prashad,J.) (Ajit Kumar,J.)

October 1, 2026

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