

GAHC010197042023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/64/2023

RANA SAIDUR ZAMAN,

-VERSUS -

1.THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF CIVIL AVIATION, RAJIV
GANDHI BHAVAN, NEAR SAFDARJUNG AIRPORT, NEW DELHI- 11003.

2:THE AIRPORT AUTHORITY OF INDIA,
REPRESENTED BY ITS CHAIRMAN
BY ITS CHAIRMAN RAJIV GANDHI BHAWN
NEAR SAFDARJUNG AIRPORT NEW DELHI- 1100013

3:THE DIRECTOR GENERAL OF CIVIL AVIATION
RAJIV GANDHI BHAWN
NEAR SAFDARJUNG AIRPORT NEW DELHI- 1100013

4:THE REGIONAL EXECUTIVE DIRECTOR
AIRPORTS AUTHORITY OF INDIA
REGIONAL HEADQUARTER, NORTH-EAST REGION
LOKOPRIYA GOPINATH BORDOLOI INTERNATIONAL AIRPORT
GUWAHATI- 781005

5:THE AIRPORT DIRECTOR,
AIRPORT AUTHORITY OF INDIA LOKOPRIYA GOPINATH BORDOLOI
INTERNATIONAL AIRPORT, GUWAHATI- 781015

6:GENERAL MANAGER, AERO
NORTH EAST REGION, AIRPORTS AUTHORITY INDIA
REGIONAL HEADQUARTER, NORTH EASTERN REGION
GBI AIRPORT GUWAHATI, ASSAM- 78101

For the Petitioner : Mr. Rana Saidur Zaman, Petitioner-in-person.
For the Respondent(s) : Ms. B. Devi, Advocate on behalf of Mr. S.P. Choudhury,
Advocate on behalf of respondent No.1.

BEFORE
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KARDAK ETE

19.10.2023

Styling this writ petition under Article 226 of the Constitution of India to be one filed in public interest, the petitioner-in-person seeks a direction to the respondents to set up a dedicated prayer room in the precincts of the Lokpriya Gopinath Bordoloi International Airport, Guwahati.

The petitioner arguing the case in person has vehemently and fervently urged that the passengers belonging to different religions, while travelling through Guwahati Airport, are not having access to any proper prayer room facility which exists in various other airports across the country like Delhi International Airport, Mumbai International Airport, Mangaloroo Airport, Agartala Airport etc.

The petitioner placed reliance on the judgments rendered by Hon'ble the Supreme Court in the cases of *the Durgah Committee, Ajmer Vs. Syed Hussain Ali and Ors.*, reported in **1961 AIR 1402** and *Ratilal Panachand Gandhi Vs. State of Bombay and Ors.*, reported in **AIR 1954 SC 388** and urged that Article 25 of the Constitution of India guarantees the freedom of conscience and right to freely profess, practice and propagate religion not merely to the citizens of India but to every person.

He also referred to Article 26 of the Constitution of India and urged that the Constitution has guaranteed any religious denomination or section of it, the right to establish and maintain institutions for religious and charitable purposes and to manage in its own way, all affairs in the matters of religion. He thus urged that the people following all religions have a right to seek a direction upon the respondents to establish a dedicated prayer room in the precincts of Lokpriya Gopinath Bordoloi International Airport, Guwahati so as to facilitate the fundamental right of offering prayer.

We have given our thoughtful consideration to the submissions advanced by the petitioner-in-person and have gone through the pleadings of the writ petition and so also the precedents cited by him.

At the outset, we may note that in the judgment of ***Ratilal Panachand Gandhi*** (supra), relied upon by the petitioner-in-person, Hon'ble the Supreme Court clearly laid down that under Article 226 of the Constitution of India, rights are given to such denominations or a section of it to acquire and own movable and immovable properties and to administer such properties in accordance with law.

We are of the firm view that Articles 25 and 26 of the Constitution of India give freedom to people from a particular denomination to profess a particular religion and to acquire movable and immovable properties and to administer such properties in accordance with law. However, such rights cannot be stretched to the extent that such denomination can demand setting up of a dedicated prayer facility in a public place like an airport.

The claim of the petitioner that prayer rooms are provided in some of the airports across the country and thus a similar facility should also be directed to

be set up in the precincts of Lokpriya Gopinath Bordoloi International Airport, Guwahati does not impress this Court even for a moment.

The background facts in which prayer rooms facilities referred to above came to be established have not been placed on record of the writ petition.

We feel that no litigant can be permitted to seek a direction upon the Government to establish a dedicated place for professing religious practices in an airport.

Thus, by not providing a similar facility at the precincts of Lokpriya Gopinath Bordoloi International Airport, Guwahati, no fundamental right of the petitioner is being breached.

It is in the domain of the Government or the Airport Authority of India to take a decision whether particular kind of facilities are required to facilitate the people accessing the airport, more so, when the plea is for a religious facility.

The High Court, while exercising the extra-ordinary writ jurisdiction conferred upon it by Article 226 of the Constitution of India, cannot be asked to interfere with any such policy decisions of the Government.

At this stage, the petitioner prayed that he may be allowed to approach the concerned authorities with a representation for ventilating his grievances.

We are of the firm opinion that petitioner has not been deterred from filing such representation and no permission of the Court is required for the same.

As a matter of fact, on going through the pleadings of the writ petition, we do not find any such averments therein which can convince the Court that the petitioner has been authorized/sponsored by the members of society at

large to plead their causes in this writ petition branded to be a Public Interest Litigation.

Hence, we neither find merit in the claim laid by the petitioner-in-person in this writ petition nor do we find that the writ petition espouses any public cause so as to grant the relief sought for.

Hence, the instant writ petition is dismissed as being devoid of merit.

JUDGE

CHIEF JUSTICE

Comparing Assistant