

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No.2392 of 2021

Jagannathpur Mandir Nyas Samittee, office situated at Jagannath Mandir, Jagannathpur, Post and Police Station Dhurwa, District Ranchi through its authorized representative Lal Chittranjan Nath Shahdeo, Aged about 48 years, Son of Thakur Radheshyam Nath Shahdeo, Resident of Jagannathpur, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi.

. . . . Petitioner

Versus

1. The State of Jharkhand.
2. The Chief Secretary, Government of Jharkhand, Project Bhawan, P.O. and P.S.-Dhurwa, District-Ranchi.
3. The Secretary, Disaster Management Division, Jharkhand, Government of Jharkhand, Ranchi, Project Bhawan, P.O. and P.S.-Dhurwa, District-Ranchi.
4. The Secretary, Department of Home, Government of Jharkhand, Ranchi, Project Bhawan, P.O. and P.S.-Dhurwa, District-Ranchi.
5. The Deputy Commissioner, Ranchi, P.O.-G.P.O. Ranchi, P.S.-Kotwali, District-Ranchi.
6. The Senior Superintendent of Police, Ranchi, P.O.-G.P.O. Ranchi, P.S.-Kotwali, District-Ranchi.
7. The Jharkhand State Religious Board of Trust having its office at Birsa Jail Compound, P.O.-Lalpur, P.S.-Lalpur, District-Ranchi.
8. The Administrator, Jharkhand State Religious Board of Trust having its office at Birsa Jail Compound, P.O.-Lalpur, P.S.-Lalpur, District-Ranchi.

... Respondents

CORAM : **HON'BLE THE CHIEF JUSTICE**
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Ajit Kumar, Sr. Advocate
For the Respondents : Mr. Sachin Kumar, AAG-II

02/Dated 09th July, 2021

1. Matter has been heard through video conferencing and there is no complaint whatsoever regarding audio and/or visual quality.
2. The instant writ petition has been filed under Article 226 of the Constitution of India on behalf of the members of Jagannathpur Mandir Nyas Samittee by way of public interest litigation *inter alia* for the following reliefs:

“a. For issuance of an appropriate direction(s)/order(s)/writ(s), particularly, a writ in the nature of mandamus, directing upon the Respondent nos. 2 to 6, to allow the Petitioner Trust Committee to perform/celebrate the ritual/festival of Lord Jagannath Rath Yatra scheduled on 12.07.2021 and 20.07.2021 with COVID-19 appropriate Standard operating procedures (SOPs) absolutely in the manner the Rath Yatra at Puri has been ordered to be conducted by the Hon’ble Supreme Court of India.

b. For issuance of an appropriate direction(s)/order(s)/writ(s), particularly, a writ in the nature of mandamus, commanding upon the Respondent State Authorities to either carve out an exception of and from the order issued vide memo no.375 dated 30.06.2021 (Annexure-3) issued by the Secretary, Disaster Management Division, Jharkhand or to issue separate office order for arranging a restricted procession as prayed for in above para (a) so that the rituals of Rath Yatra may be performed with all precautions, restrictions and care as ordered by the Hon’ble Supreme Court of India in the case of Odisha Vikas Parishad v. Union of India reported in (2020) 7 SCC 264.

c. For issuance of an appropriate direction(s)/order(s)/writ(s), particularly, a writ in the nature of mandamus, directing upon the Respondent nos.2 to 6 either individually or jointly as the case may be to frame the Standard Operating Procedure (SOP) to be adopted for organizing the chariot procession i.e. Rath Yatra of Lord Jaggannath, including the safeguards to be adopted by the Petitioners for conducting the procession.”

3. Mr. Ajit Kumar, learned senior counsel appearing for the petitioner submits that there is a Temple situated in the district of Ranchi, Jharkhand of Lord Jagannath having been established in the year 1691 and since then Rath Yatra festival is being celebrated every year in the month of June/July and during this period, 10 days Mela/Fair is also being organized and the same is concluded after return of the Lord Jagannath to his home, similarly as the festival in the Lord Jagannath Temple situated at Puri is being celebrated.
4. According to the petitioner, in the last year when COVID-19 pandemic was a new crisis and not much was known about the virus and the lockdown was being observed very strictly throughout the country, even then the Hon'ble Supreme Court in *Odisha Vikash Parishad v. Union of India and Ors., (2020) 7 SCC 264* firstly directed for not holding the Rath Yatra rituals in Puri but later vide its judgment dated 22.06.2020 reviewed the order and allowed the Rath Yatra with COVID-19 appropriate conditions and subject to some other conditions as laid down therein.
5. It has been submitted that similarly the Government of Gujarat allowed the function/ritual of Rath Yatra in Jagannath Temple, Ahmedabad in the year 2020 which was successfully performed by following the necessary conditions as mandated by the administration and this year also the same is going to be performed with COVID-19 appropriate SOPs.
6. In the backdrop of this fact, pleading has been made that after comparative analysis of the ritual which is performed in the Lord Jagannath Temple at Puri in the State of Odisha, the distance to be

covered by the chariot is approximately 03 kms while on the other hand, the distance to be covered in the Rath Yatra of Lord Jagannath in Ranchi, Jharkhand is less than 01 kms.

7. The Hon'ble Supreme Court has issued guidelines in this regard for performing rituals at Puri in the State of Orissa, thus, the same relaxation ought to have been granted by the State of Jharkhand so that the rituals of Lord Jagannath in the district of Ranchi be also observed for which sewayat who are 61 in number are ready to observe the SOPs.
8. Mr. Ajit Kumar, learned senior counsel appearing for the petitioner further submits while referring to the Standard Operating Protocol/guidelines dated 30.06.2021 that restrictions have been imposed for visitors to visit the religious places, however, the religious places have been permitted to be opened as also all indoor or outdoor congregations of more than 50 persons are prohibited in the State including marriage and last rites related functions, however, the petitioner's contention is that the State of Jharkhand has put restrictions in congregations of more than 50 persons but here in the Samittee, the number of sewayat are 61, as such, at least that part of the guideline dated 30.06.2021, where the congregations of more than 50 persons is prohibited, may be extended up to 61 persons.
9. Mr. Sachin Kumar, learned AAG-II appearing for the State of Jharkhand has submitted by refuting the arguments advanced on behalf of the learned counsel for the petitioner by referring to the order passed by this Court pertaining to reopening of Maa

Chhinnamastika Temple, popularly known as Rajrappa Mandir situated in the district of Ramgarh, Jharkhand [*Madhav Lal Singh vs. State of Jharkhand and Ors. {W.P.(PIL) No.2664 of 2020}*] wherein this Court has refused to issue any mandamus upon the State, however, leaving such decision open to be taken by the competent authority of the State Government, therefore, the instant writ petition may also be disposed of in terms of the said order.

10. Mr. Sachin Kumar has also brought to the notice of this Court about the order passed by the Hon'ble Supreme Court in *Madan Patri and Ors. vs. State of Orissa and Ors., [Special Leave to Appeal (C) No.8394 of 2021]* wherein the order passed by the High Court of Orissa has been questioned by which the Rath Yatra was to be conducted this year in Badadanda of Lord Jagannath Temple at Puri and nowhere else in the State in the same manner as was done last year. The aforesaid order of the High Court of Orissa has been declined to be interfered with by the Hon'ble Supreme Court.
11. On this, Mr. Ajit Kumar, learned senior counsel for the petitioner has fairly submitted that similar direction as has been passed by this Court in *Madhav Lal Singh vs. State of Jharkhand and Ors.* (supra), may be passed.
12. This Court, having heard the learned counsel for the parties and with their consent, is disposing of the instant writ petition by directing the State to take its own decision with regard to the grievance of the petitioner well before the Rath Yatra Puja. However, while taking such decision, directions of the Hon'ble Supreme Court in this regard should be followed.

13. The State will take necessary measures without waiting for the copy of the order.
14. With the aforesaid observations and directions, the instant writ petition stands disposed of.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)

Saurabh

N.A.F.R.