

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH****AT SRINAGAR****WP (C) No.7/2022****Aga Syed Mujtaba Abass**

...Appellant(s)/Petitioner(s)

Through: Mr. Hilal Akbar Lone Khursheed with  
Mr. Agha Syed Muntazir, Advocate**Vs.****Union Territory of J&K and others**

...Respondent(s)

Through: Mr. D.C. Raina, AG with  
Mr. Iliyas Nazir Laway, GA  
Ms. Asifa Padroo, AAG**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE****ORDER****03-08-2022**

01. A registered trust of Shia community of Srinagar through its Secretary has preferred this Public Interest Litigation seeking direction upon the State authorities to allow the Shia Community to take out the religious processions in the holy month of Moharram especially on the date of 8<sup>th</sup> August, 2022 from Guru Bazar to Dalgate and to provide necessary security for the said procession.

02. Taking out the religious procession especially in Kashmir depends upon the law-and-order situation. This court is unable to assess the law-and-order situation as well as the involvement of the security of the nation in taking out such religious procession. It is in-fact the domain of the administration/ security agencies and other stake holders to take a call on it and to form an opinion depending upon the law-and-order situation, religious harmony and security of the nation.

03. The petitioner has preferred a representation in this regard to the Commissioner Secretary, Home, on 25.06.2022, a copy of which has been filed as annexure 2 to the petition.

04. Sh. D.C. Raina, learned AG, assisted by Mr. Illiyas Nazir Laway, GA, submits that Commissioner Secretary will consider the said representation in light of the observations made by this court as above.

05. In view of the aforesaid facts and circumstances, we dispose of this writ petition with a direction to the Commissioner Secretary, Home or any other competent authority to consider the above representation of the petitioner most expeditiously preferably within a period of three days as the month of Moharram has started.

06. The Commissioner Secretary or any other competent authority after taking inputs to the maintenance of religious harmony and the law-and-order situation from all security agencies of the nation consider the above representation as directed.

07. The office of the learned Advocate General is requested to provide a copy of this order by today evening itself to the Commissioner Secretary or any other competent authority deem fit in this regard.

08. The petition is disposed of accordingly.

**(WASIM SADIQ NARGAL)**  
**JUDGE**

**(PANKAJ MITHAL)**  
**CHIEF JUSTICE**

**SRINAGAR**

**03-08-2022**

Shameem H.