

**W.P(C) No.13539 of 2020**

02. 04.06.2020 Heard Dr. Ashok Kumar Mohapatra, learned Senior Counsel appearing along with Mr. T. Dash, learned counsel for the petitioner; Mr. A.K. Parija, learned Advocate General appearing along with Mr. Das, Addl. Standing Counsel for the State-opposite parties and Mr. Subrat Satpathy, learned counsel for opposite party no.3 by Video Conferencing mode.

**2.** This writ petition has been filed in the nature of a Public Interest Litigation by Jayanta Kumar Bal-petitioner with a prayer *inter alia* that the opposite parties-State Authorities be directed to allow the devotees/senior citizens including the petitioner/sevakas/people of Puri to have darshan of Lord Shree Jagannath on Shnana Purnima on 05.06.2020 outside the Meghanada Pacheri and Rath Yatra on 23.06.2020 and further prayed that clause 3 (a) (i) of the order dated 01.06.2020 passed by the Government of Orissa, being contrary to the guidelines issued by the Government of India dated 30.05.2020, be quashed and set aside. Since another writ petition filed as PIL i.e. W.P.(C) No.12494 of 2020, with many interlocutory applications, with regard to Rath Yatra scheduled to be held on 23.06.2020, is coming up before this Court on 09.06.2020, we have heard the present matter confined only to the first part of the prayer clause.

**3.** Dr. Ashok Kumar Mohapatra, learned Senior Counsel for the petitioner inviting attention of the Court towards the guidelines issued by the Government of India,

Ministry of Home Affairs, New Delhi vide Order No.40-3/2020-DM-I(A) dated 30.05.2020 (Annexure-1), submitted that in Phase I, the religious places/places of worship, have been allowed to open for public with effect from 8<sup>th</sup> June, 2020. The State Government in excess of those guidelines, has imposed certain additional restrictions in its order dated 01.06.2020 by directing that the religious places/places of worship for public shall continue to remain closed till 30.06.2020. Learned Senior Counsel further submitted that since darshan of Shnana Purnima can be allowed either by passing in a row in front of Shnana Mandap or standing by the side of Meghanada Pachari following norms of social distancing by using mask after thermal screening, the State Government by passing the impugned order has violated the fundamental right of the petitioner guaranteed under Part-III of the Constitution of India.

**4.** *Per contra* learned Advocate General submitted that the guidelines issued by the Central Government in Phase I allowed opening of religious places/places of worship for public only with effect from 08.06.2020 and therefore, even going by that prescription, the Shnana Purnima, which will take place on 05.06.2020, prior to date fixed is not permissible. Learned Advocate General, however, submitted that what has been stated by the Central Government in sub-clause (iv) of Phase III of the selfsame guidelines, has left it to be decided by the State Government on evaluation of position on ground, dates for re-starting the activities like Social/political/sports/

entertainment/academic/cultural/religious functions and other large congregations and also referred to Clause-5 of the aforesaid guideline which *inter alia* provides that the State/UTs, based on their assessment of the situation, may prohibit certain activities even outside the Containment zones, or impose such restriction as deemed necessary. It is further submitted that keeping in view the guidelines issued by the Central Government, the State Government, in clause 3(a)(v) of its order dated 01.06.2020, has therefore directed that all Social/political/sports/entertainment/academic/cultural/religious functions and other large congregations, will continue to remain closed till 30.06.2020. This decision has been taken considering the prevalent circumstances not just in the context of district Puri, but entire State, which is in consonance with the guideline issued by the Central Government. Learned Advocate General submitted that all these preventive measures have been taken to prevent spreading of Coronavirus. The kind of permission prayed for by the petitioner, once granted, cannot be confined to only few people, since the function in question attracts lakhs of devotees/people from all over the country, and it would be difficult and become impossible for the State to identify origin of people desirous of attending the function. The State Government is fully competent to impose such reasonable restriction in view of the current situation.

**5.** Having heard learned Senior Counsel for the petitioner and learned Advocate General for the State-opposite parties and taking note of the rival submissions, so

far as first part of the prayer is concerned keeping the second part open, and considering the guideline issued by the Central Government and the order dated 01.06.2020 passed by the State Government, we are not inclined to hold that the impugned order is in any way opposed to public interest. On the contrary, in our view, the order of the State Government appears to have been passed taking consideration of larger public interest and in consonance with the guideline issued by the Central Government in order to prevent spreading of Coronavirus. This Court would be loath to interfere with the decision of the State Government, which appears to be based on objective evaluation of situation, as in the opinion of this Court, such matters are best left to the discretion of the executive.

6. We therefore do not find any merit in this writ petition, which is accordingly dismissed.

**( Mohammad Rafiq )**  
**Chief Justice**

**(Dr. B.R. Sarangi)**  
**Judge**

**I.A. No.6334 of 2020**

03. 04.06.2020            The above un-numbered interlocutory application has been produced in Court today with the same prayer, which has been made in the writ petition. The un-numbered interlocutory application be registered and kept on record.

Since the writ petition has been dismissed, the interlocutory application is also liable to be dismissed for the same reasons, which is accordingly dismissed.

**( Mohammad Rafiq )**  
**Chief Justice**

**(Dr. B.R. Sarangi)**  
**Judge**