

BEFORE THE HON'BLE SUPREME COURT OF INDIA

WRIT JURISDICTION

I.A. No. _____ / 2020

IN

WRIT PETITION (C) NO.571/2020

IN THE MATTER OF:

ODISHA VIKASH PARISHAD

.....PETITIONER

-VERSUS-

UNION OF INDIA & Ors.

.....RESPONDENTS

IN THE MATTER OF:

JAGANNATH SANSKRUTI JANA JAGARANA MANCH

THROUGH SECRETARY

SAROJ KUMAR SAHOO, AT: KAZI BAZAR,

PS: LALBAG, CUTTACK, ODISHA . INTERVENOR/APPLICANT

AN APPLICATION FOR RECALL/MODIFICATION OF THE

ORDER DATED 18.06.2020

To,

The Hon'ble Chief Justice of India and
the other companion Judges
of the Supreme Court of India

The humble application of
the applicant above-named

MOST RESPECTFULLY SHOWETH:

1. That the applicant has filed an intervention application in the above said Writ Petition as filed by the Petitioner inter alia seeking the rejection of the writ petition as the issue and prayer as prayed by the Petitioner has already been decided by the Hon'ble High Court of Odisha in W.P. (C) No.12494/2020. The observation and relevant portion of the order and judgment dated 09.06.2020 is as follow:

“21. While therefore not issuing any mandamus as prayed for, this Court is inclined to hold that it is up to the State Government to decide whether or not to allow the Rath Yatra on 23.6.2020, depending on the situation then prevalent on the ground about the spread of Coronavirus. If however any such decision is eventually taken, the State Government shall ensure strict adherence to the directives issued by the Government of India in Clause 3 of their letter dated 07.05.2020; with regard to the adherence to the lockdown measures issued by the Ministry of Home Affairs, Government

of India in their Guidelines dated 30.5.2020 and also the National Directives for Covid19 Management. The State Government shall also ensure strict adherence to its own order dated 01.6.2020 containing additional and further guidelines. As regards the other prayer that the Chariots/Car should be allowed to be pulled manually or mechanically, we are inclined to observe that deploying heavy duty machineries or any other means like elephants, than the men power, for pulling the Chariots/Rath, would obviously obviate the necessity of involving large number of persons, which number could be in many hundreds. It is therefore directed that this aspect should be duly considered by the State Government while taking a decision for holding Rath Yatra, consistent with the guidelines issued by the Central Government and the State Government.”

2. That the Petitioner has concealed the above material facts before this Hon'ble Court and also not submit the same before this

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Hon'ble Court during the time of arguments. This Hon'ble Court vide order dated 18.06.2020 pass the directed that there shall be no Rath Yatra anywhere in the temple town of Odisha or in any other part of the State this year.

A copy of the order dated 18.06.2020 in WP (C) No.571/2020 passed by this Hon'ble Court is annexed herewith as **Annexure A-1 (Page Nos...11...13..)**.

3. That as per the order of the Hon'ble High Court of Orissa and decision of the State Government the Deba Snan Purnima ritual was performed on 05.06.2020 with the help of 800 servitors. Before performing the ritual all the 800 servitors had undergone the COVID Test and all are found negative. The 800 servitors are in isolation for more than 1 month as on today.
4. That as per the direction of the Hon'ble High Court and decision of the State Government, 372 persons (Carpenters, Black smiths, Rupkars etc.) are engaged in the construction of the 3 Rath/Chariots for more than one and half months and all are isolation, tested and found COVID negative. These Persons have constructed the 3 Rath/Chariots as per the guidelines issued by

the Central Government as well as State Government, maintaining social distance and sanitization. The construction of 3 Rath/Chariots have already been completed.

The Photocopies of the Construction of 3 Rath/Chariots as on today is annexed herewith as **Annexure A/2** (Page No.....14-15.....).

5. That there are 132 Jagannath Temple police persons who are also in isolation.
6. That as on today $800 + 372 + 132 = 1304$ persons are in isolation for more than one and half months.
7. That the Puri Municipality is categorized as "Green Zone" and thousands of people of Puri Municipality had gathered on the road connecting the Puri Jagannath Temple to Gundicha Temple on 30.05.2020 by maintaining social distance and following the guidelines, sang the Odisha State Anthem – "Bande Utkala Janani".

A true copy of the news report dated 30.05.2020 published in India Today is annexed herewith as **Annexure-A/3** (Page Nos.....16-20.....).

8. That each chariots has six ropes and the Rath/Chariots has to be pulled one by one i.e. the first chariots followed by the second chariots and followed by the third chariots. For pulling of each rope 30-40 persons are required and for pulling of one Rath apprx. 200 persons are required and all total 500-600 persons are required. The distance of the Puri Jagannath Temple to Gundicha Temple is 3 km distance and social distancing can be maintain by 500-600 persons in the 3 km distance.
9. That usually in every year around 2 lakhs devotees were present for darshan of "Deba Snana Purnima". However, with the guidelines of the State Government and District Administration, imposing section 144 Cr.P.C., no devotee or persons are allowed to watch the darshan.
10. That the above facts were not placed by the Respondent/State during the course of arguments before this Hon'ble Bench during the hearing on 18.06.2020. Under the above facts and circumstances it is not impossible and impracticable for the State Government and the District Administration to conduct the Rath Yatra while maintaining the social distancing and following the

guidelines of the Central Government and the State Government.

The Rath Yatra can be performed with the help of 500-600 servitors by maintaining the social distance on the road of 3 km stretch and by imposing the restrictions as well as imposing Section 144 of Cr.P.C.

11. That the Rathas will ply one day to reach Gundicha Temple and will return on another day i.e. Bahuda day after completing all rituals, Pinda karmas and Niti krantis which is the part of deties famous Yatra at Puri for world people who worship, believe and carry on seva of Lord Jagannath. The Rath Yatra will be carried out at Bada danda, Puri from Shree Mandir to Gundicha Mandir where thousands of sevakas are concerned in day to day Seva Puja, Niti kranti of Four Deties and Sevakas of temple are enough to pull and carry three Rathas. So, no outsiders are necessary which can be prevented and locked down.
12. It is also pertinent to mentioned that the customary Rath Yatra (Car Festival) has been performed since time immemorial and the sentiments of millions of devotees are attached to the same. It is humbly submitted that the customary practices of the temple have

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been performed by the devotees of Lord Jagannath since time immemorial and the entire set of rituals will be disturbed if the Rath Yatra is not allowed to take place. It is further submitted that the festival is deeply associated to the religious beliefs of over 4.5 crore Odias and millions of devotees of lord Jagannath all around the globe.

13. That under the above facts and circumstances the Applicant most humbly prayed that the order dated 18.06.2020 as passed by this Hon'ble Court may be recalled and modified to the extent that the Rath Yatra ritual may be performed with the help of 500-600 servitors by following the guidelines, maintaining the social distance and with certain impositions and conditions. Unless this Hon'ble Court pleased to allow the application of the applicant, the Applicant and it's member will be put to great hardship and loss

PRAYER

For the facts and circumstances narrated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

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- a) Recall and modified the order dated 18.06.2020 passed in W.P.(C) No.571/2020;
- b) pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of the justice.

FOR THIS ACT OF KINDNESS YOUR HUMBLE
APPLICANT AS IS DUTY BOUND SHALL EVER PRAY

Drawn on: 18.06.2020

Place: New Delhi

Filed On: 19.06.2020

Filed by:



(HITENDRA NATH RATH)
Advocate for the Applicant

IN THE SUPREME COURT OF INDIA
WRIT JURISDICTION

I.A No. /2020

in

WRIT PETITION (C) NO.571 OF 2020

IN THE MATTER OF:

Odisha Vikas Parishad

...Petitioner

Versus

Union Of India & Ors

...Respondents

AFFIDAVIT

I, Saroj Kumar Sahoo, S/o: Late Nagendra Sahoo aged abt.46 years, Secretary Jagannath Sanskruti Jana Jagarana Manch At: Kazi Bazar, PS: Lalbag, Cuttack, Odisha do hereby affirm and state as follows:-

1. That I am Secretary of the Applicant- Manch in the above Application and I know the facts of the case and as such I am competent to swear and file this Affidavit.
2. That the aforesaid Application has been drafted by the Advocate-on-Record as per my instructions and the facts stated in the Application are true and correct to the best of my knowledge and belief and nothing material has been concealed thereof.

Saroj Kumar Sahoo

(Saroj Kumar Sahoo)

DEPONENT
SECRETARY

JAGANNATH SANSKRUTI
JANA JAGARAN MANCH

VERIFICATION:

Verified and signed on this 18th day of June, 2020 at Cuttack, that the facts stated above in Paras 1 to 2 are true and correct to the best of my knowledge and, belief and nothing material has been concealed therefrom.

Saroj Kumar Sahoo

(Saroj Kumar Sahoo)

DEPONENT
SECRETARY

JAGANNATH SANSKRUTI
JANA JAGARAN MANCH

ANNEXURE- A1

ITEM NO.11

Virtual Court 1

SECTION PIL-W

11

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).571/2020

ODISHA VIKASH PARISHAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No. 54784/2020 - EX-PARTE AD-INTERIM RELIEF and IA No. 54912/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 54785/2020 - EXEMPTION FROM FILING AFFIDAVIT and WITH APPLN.(S) FOR INTERVENTION/IMPLEADMENT)

Date : 18-06-2020 The petition was called on for hearing today.
CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Samten Doma, Adv.

For Respondent(s)/
Applicant(s) Mr. Harish Salve, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Shibashish Misra, AOR

Mr. K. Ramamoorthy, Sr. Adv.
Mr. Vimlesh Kumar Shukla, Sr. Adv.
Mr. Hitendra Nath Rath, AOR

Mr. Tushar Mehta, Ld. SG
Mr. K.M. Nataraj, ASG
Mr. Kanu Agarwal, Adv.
Mr. B.V. Balaram Das, AOR

Mr. V.K. Shukla, Sr. Adv.
Mr. Hitendra Nath Rath, AOR

Mr. Swetaketu Mishra, Adv.
Mr. Sanjay Kumar Das, Adv.
Mr. V.K. Monga, AOR

Mr. Narender Hooda, Sr. Advocate
Mr. Simranjeet Singh, Advocate
Ms. Nandita Hooda, Advocate

Signature Not Verified

Digitally signed by
SANJAY KUMAR
Date: 2020.06.18
17:23:32 IST
Reason

For Dr. Surender Singh Hooda, AOR

Mr. Pranaya Kumar Mohapatra, AOR

Mr. Arijit Prasad, Sr. Adv.

Mr. Anjuman Tripathy, Adv.

Mr. Arya Tripathy, Adv.

Mr. Sahil Tagotra, AOR

Mr. Mahesh Jethmalani, Sr. Adv.*

UPON hearing the counsel the Court made the following
O R D E R

Issue notice returnable four weeks.

It is not disputed that the number of people that are likely to gather for the annual Rath Yatra scheduled to be held from 23rd June, 2020, is going to be about 10 to 12 lakhs. The festivities normally continue for a period of 10 to 12 days. Having regard to the danger presented by such a large gathering of people for the Rath Yatra, we consider it appropriate in the interests of public health and safety of citizens who are devotees to restrain the respondents from holding the Rath Yatra this year. Article 25¹ of the Constitution of India itself confers the right to freely profess and propagate religion subject to health.

1"25. Freedom of conscience and free profession, practice and propagation of religion :- (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law -

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.- The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II.- In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

We accordingly direct that there shall be no Rath Yatra anywhere in the temple town of Odisha or in any other part of the State this year.

We further direct that there shall be no activities secular or religious associated with the Rath Yatra during this period.

Order accordingly.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

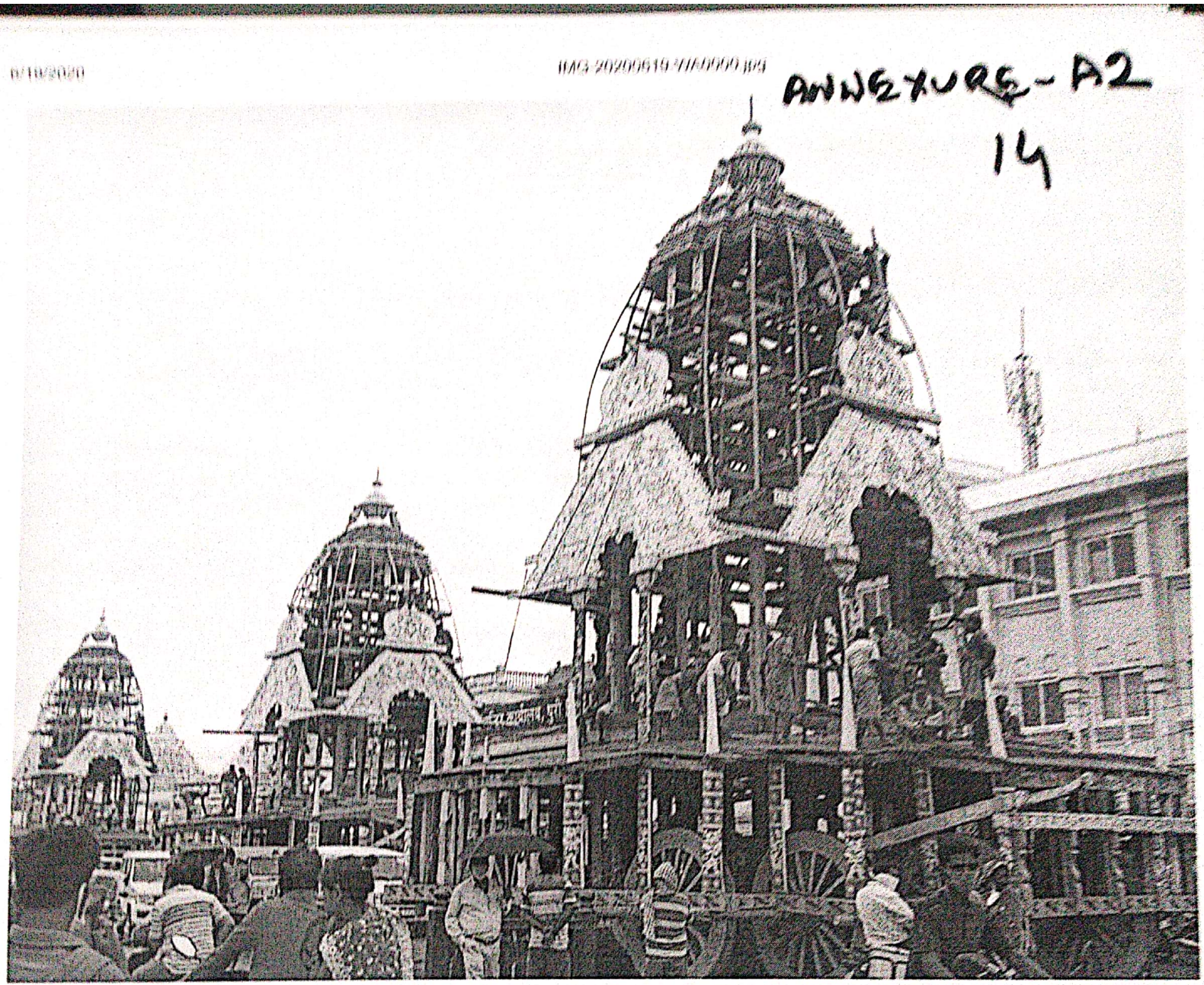
(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

**Appearance slip not submitted by the counsel*

*h
T.C*

WAG 20200519 7140000 004

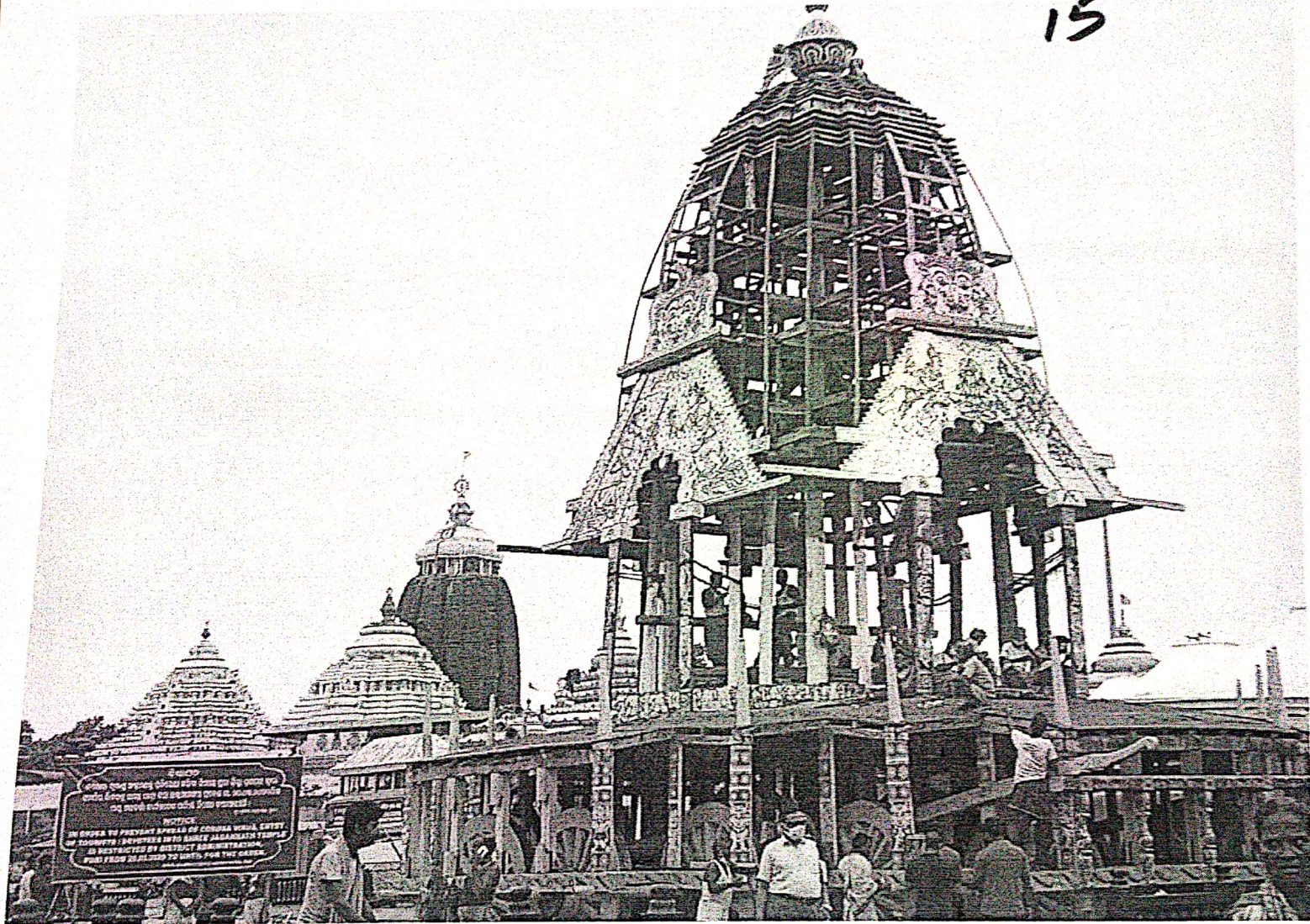
ANNEXURE - A2
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6/19/2020

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HOME CORONA SALAAM CRICKET VIDEOS NEWSMO GAMING DIU FACT CHECK INDIA

MOVIES News/India / **Bande Utkala Janani: Odisha unites over CM Patnaik's call to show solidarity with frontline workers**

Bande Utkala Janani: Odisha unites over CM Patnaik's call to show solidarity with frontline workers

Odisha CM Naveen Patnaik had urged Odias to recite 'Bande Utkala Janani' to boost the morale of frontline workers tackling the novel coronavirus outbreak.

ADVERTISEMENT



Mohammad Suffian
Bhubaneswar May 30, 2020 UPDATED: May 30, 2020 22:59 IST



Story in Audio



Recitation of 'Bande Utkal Janani' at Police Seva Bhawan in Bhubaneswar on May 30 (Photo Credits: PTI)

Odisha and its people, both in the state and outside, sang the 'Bande Utkala Janani' at

5:30 pm on Saturday as a gesture to motivate frontline workers battling the coronavirus outbreak. Written by Laxmikanta Mohapatra, 'Bande Utkala Janani' is considered Odisha's unofficial state song.

Odias across the globe recited 'Bande Utkala Janani' in unison on Saturday to boost the morale of frontline workers. Chief Minister Naveen Patnaik too, along with his private secretary VK Pandian, recited the song at his official residence.



Naveen Patnaik
@Naveen_Odisha

Honoring our #CovidWarriors with #BandeUtkalajanani.
#OdishaHonorsCovidWarriors pscp.tv/w/caDytTFIUKV4...

Story in Audio

Naveen Patnaik @Naveen_Odisha

Honoring our #CovidWarriors with #BandeUtkalajanani.
#OdishaHonorsCovidWarriors
pscp.tv

2,526 5:38 PM - May 30, 2020

654 people are talking about this

Union Ministers Dharmendra Pradhan and Pratap Sarangi also participated in the initiative and recited 'Bande Utkala Janani' at their respective homes.





Recitation of 'Bande Utkala Janani' in Odisha on May 30 (Photo Credits: India Today)

Story In Audio

President of the Odisha Pradesh Congress Committee (OPCC) Niranjan Patnaik, senior party leaders Sarat Patnaik, Panchanan Kanungo, Krushna Gopal Panda and Prasad Harichandan among others also took part in a programme organized at the Congress Bhawan in Bhubaneswar to commemorate the event.

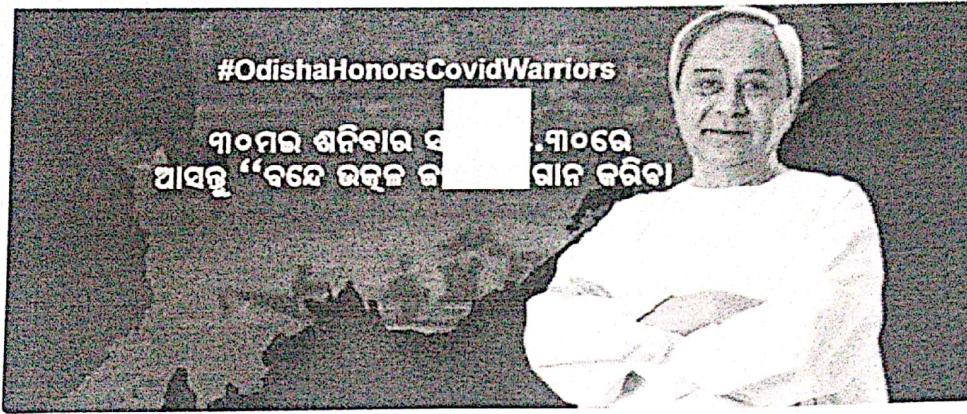
Odisha Fire Service officers also sang 'Bande Utkala Janani' at fire stations across the state. Railway stations also participated by organizing functions for the recitation of the song.



ashabhosle
@ashabhosle

Here is my beautiful "bandey utkala janani" Recreated by @ShankarEhsanLoy & produced & directed by @nilamadhabpanda This song is dedicated to all the frontline warriors fighting covid day & night. Let's sing it together at 5.30 today with every odia. @Naveen_Odisha @CMO_Odisha

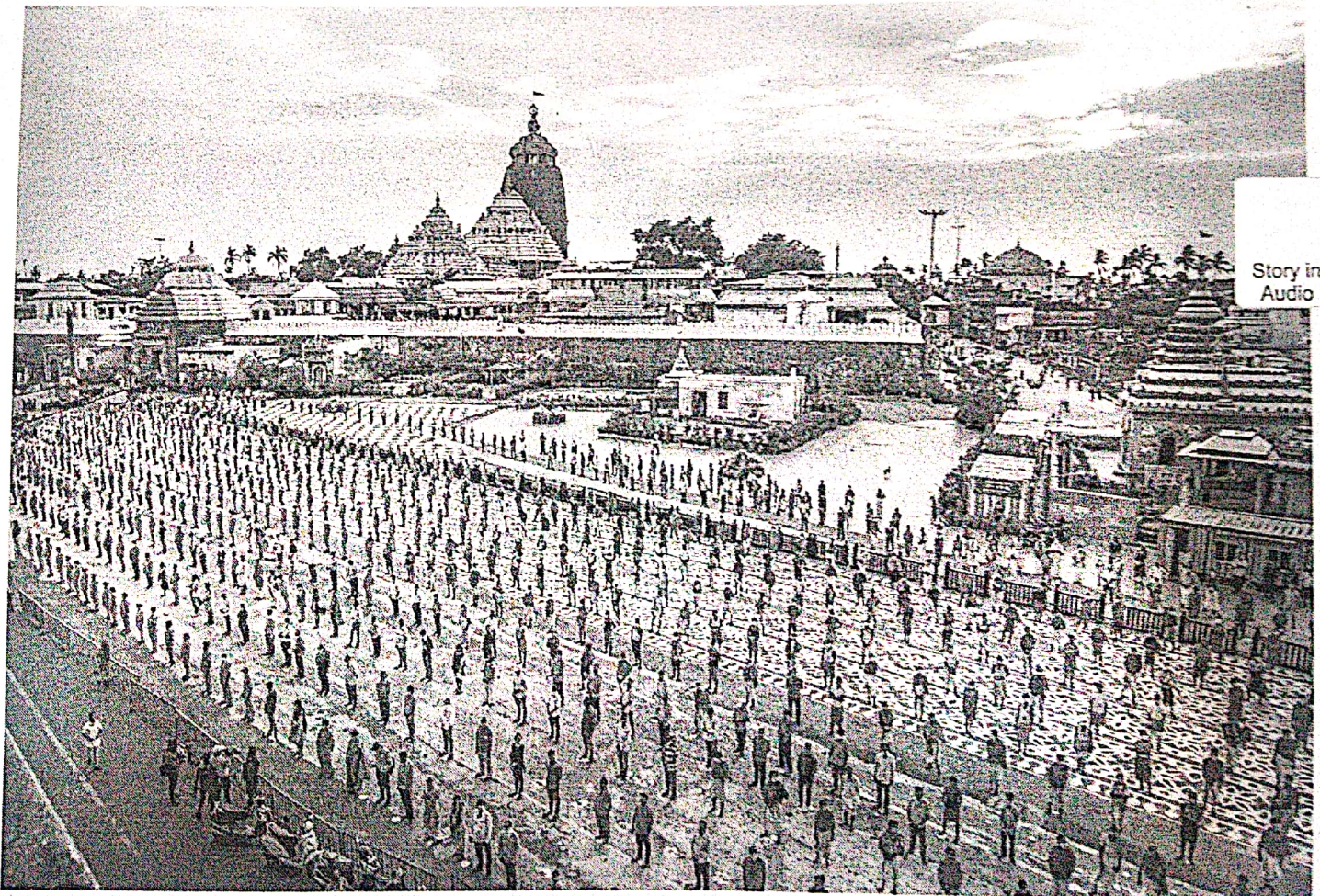
**କରୋନା ଯୋଦ୍ଧାଙ୍କୁ ସମ୍ମାନ
କରୋନା ବିରୁଦ୍ଧରେ ସଂଗ୍ରାମ**



2,862 4:37 PM - May 30, 2020

790 people are talking about this

In Puri, 'Bande Utkala Janani' was sung by people from different walks of life, including Puri Collector Balwant Singh and SP Umashankar Das among other members of the local administration.

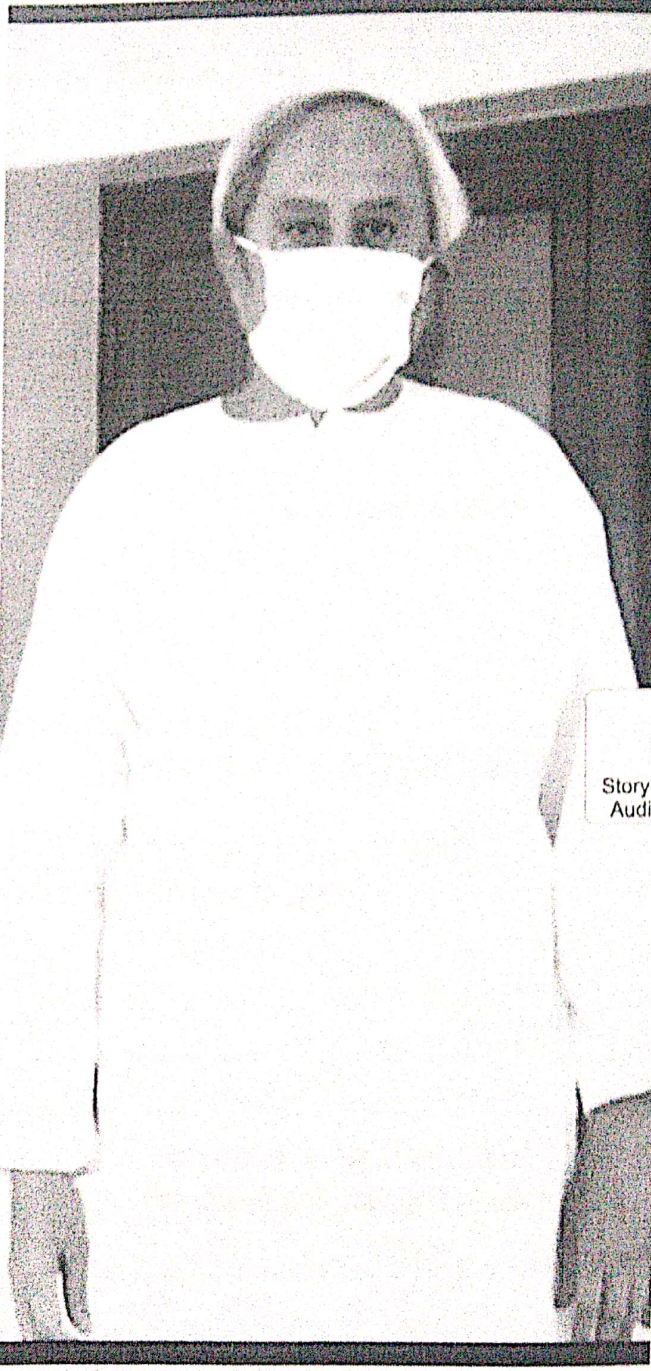


Recitation of 'Bande Utkala Janani' in Odisha on May 30 (Photo Credits: PTI)

Balasore, which was recently devastated by Cyclone Amphan, also witnessed programmes in as many as 16 different locations for the recitation of the song. Former MP Rabindra Kumar Jena and Balasore BJD town president Swarup Kumar Das were also seen taking part in one such programme.



The Commissionerate of Police of Bhubaneswar-Cuttack live streamed a 'Bande Utkal Janani' Programme from Police Seva Bhawan in Odisha's capital city while a similar event was held at Kalinga Stadium. Among others who took up Odisha CM Naveen Patnaik's invitation to participate in the initiative were Swiss Member of Parliament Nik Gugger and Utkal Samaj at IIT Kharagpur.



Story in Audio



Recitation of 'Utkal Janani' in Odisha on May 30 (Photo Credits: India Today)

It was on Thursday that Odisha Chief Minister Naveen Patnaik had urged people of the state to show solidarity with frontline workers by reciting 'Bande Utkala Janani' at 5:30 PM on May 30.

READ | Lockdown 5.0: International air travel, metros, local trains, theatres, bars not to reopen yet

T.C

ALSO READ | 28% of 40,184 Covid-19 cases in India till April 30 asymptomatic: Study

BEFORE THE HON'BLE SUPREME COURT OF INDIA

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.. Petitioner

Versus

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IN THE MATTER OF:

JAGANNATH SANSKRUTI JANA JAGARANA MANCH
THROUGH SECRETARY

.. INTERVENOR/APPLICANT

AN APPLICATION FOR EXEMPTION FROM FILING THE
NOTARISED AFFIDAVIT AND COURT FEE

To,
The Hon'ble Chief Justice of India and
the other companion Judges
of the Supreme Court of India

The humble application of
the applicant above-named

MOST RESPECTFULLY SHOWETH:

1. That the applicant has filed an intervention application in the above said Writ Petition as filed by the Petitioner inter alia seeking the rejection of the writ petition as the issue and prayer

as prayed by the Petitioner has already been decided by the Hon'ble High Court of Odisha in W.P. (C) No.12494/2020.

2. That due to pandemic situation i.e COVID 19, the Applicant cannot able to notarize the affidavit. As there is urgency in the matter, the Counsel for the Applicant told the Applicant to sent the scan copy of the signed affidavit to filed the same before this Hon'ble Court. The counsel for the Petitioner is not able to get the Court fee.

3. Hence under the above facts and circumstances an due to COVID 19 situation, unless this Hon'ble Court pleased to grant exemption from filing the Original Notarised Copy and Court fee, the applicant will be put to great hardship and loss.

PRAYER

For the facts and circumstances narrated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

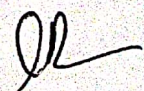
- a) grant exemption from filing of the Original Notarised Copy and Court fee in the above application;
- b) pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of the justice.

FOR THIS ACT OF KINDNESS YOUR HUMBLE
APPLICANT AS IS DUTY BOUND SHALL EVER PRAY

Drawn on: 18.06.2020

Place: New Delhi

Filed On: 19.06.2020

 Filed by:
(HITENDRA NATH RATH)

Advocate for the Applicant

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AFFIDAVIT

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1. That I am Secretary of the Applicant- Manch in the above Application and I know the facts of the case and as such I am competent to swear and file this Affidavit.
2. That the aforesaid Application has been drafted by the Advocate-on-Record as per my instructions and the facts stated in the Application are true and correct to the best of my knowledge and belief and nothing material has been concealed thereof.

Saroj Kumar Sahoo
(Saroj Kumar Sahoo)
DEPONENT
SECRETARY

JAGANNATH SANSKRUTI
JANA JAGARAN MANCH

VERIFICATION:

Verified and signed on this 18th day of June, 2020 at Cuttack, that the facts stated above in Paras 1 to 2 are true and correct to the best of my knowledge and, belief and nothing material has been concealed therefrom.

Saroj Kumar Sahoo
(Saroj Kumar Sahoo)
DEPONENT
SECRETARY

JAGANNATH SANSKRUTI
JANA JAGARAN MANCH