

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 12745/2021

Pooja Gurnani W/o Jitesh Jaithnandani, Aged About 31 Years,
R/o Jaipur 112/394 Agarwal Farm Mansarovar, Jaipur

----Petitioner

Versus

1. State Of Rajasthan, Through The Chief Secretary, Govt. Of Rajasthan, Secretariat, Jaipur
2. State Of Rajasthan, Through The Principal Secretary, Home Department, Govt. Of Rajasthan, Secretariat, Jaipur
3. Director General Of Police, Police Headquarters, Tonk Road, Jaipur
4. Additional Director General Of Police, Police Housing, Police Headquarters, Tonk Road, Jaipur

----Respondents

For Petitioner(s) : Mr. Amitosh Pareek
For Respondent(s) :

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MS. JUSTICE REKHA BORANA**

Judgment

18/11/2021

This public interest litigation is filed by an individual. She has challenged a circular dated 25.10.2021 issued by the Additional Director of Police, Jaipur. We have read and re-read the circular which the petitioner has challenged. In this circular, the said authority has referred to certain activities which have come to the notice of the administration taking place in the police stations. The circular also records that Rajasthan Religious Building & Places Act, 1954 (hereinafter referred as "Act of 1954") prohibits use of

public places for religious purposes. The circular also records that besides, in the public buildings of the police stations, there is no provision for construction of places for offering prayers. With this preamble all that this circular provides is that the concerned persons should ensure that the provisions of the Act of 1954 are scrupulously followed by the police officials and other employees.

Reading the entire circular as a whole would show that the first paragraph contents of which we have noted in the earlier portion of the order, are in the nature of preamble. The operative portion is in the last paragraph in which, as noted above all that the authority issuing the circular desires is that the provisions of the Act of 1954 should be implemented scrupulously by all concerned. We don't see how the petitioner can be said to be aggrieved by this circular.

We notice that besides challenging the circular, in relation to the provisions of the Act of 1954, the petitioner has made following prayer:-

(c) "Direct the respondents to include the definition of Government institutions/state Bodies under the Act of 1954 as the Police Stations and other Government buildings are not being covered under the definition of "Public Places" under the Act of 1954".

Under this prayer thus the petitioner seeks a direction to include certain portion in the definition contained in the act. As is well settled through series of judgments, no direction can be issued to the legislature to frame a law in particular manner. Prayer (c) therefore in any case cannot be granted. It is not the case of the petitioner that any of the provisions of the act are ultravires the constitution.

As long as provisions of the Act stand, the petitioner cannot raise any objection to the government authority issuing a circular that the provisions of the Act be implemented.

Petition is dismissed.

(REKHA BORANA),J

(AKIL KURESHI),CJ

P.C. Gupta/B.M. Gandhi-13

RAJASTHAN HIGH COURT



सत्यमेव जयते