

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No.23817 of 2023

Sk. Irsad Ali

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Petitioner

Mr. A.N. Pattanayak, Advocate.

-versus-

State of Odisha & Others

Opposite Parties

Mr. J.P. Patnaik, Government Advocate.

**CORAM:
JUSTICE S. TALAPATRA
JUSTICE SAVITRI RATHO**

**ORDER
28.07.2023**

Order No.

01.

1. This matter is taken up on mention through Hybrid Mode.
2. Heard Mr. A.N. Pattanayak, learned counsel appearing for the petitioner. Even though this petition has been filed as the public interest litigation, but it displays the grievance against the order dated 26.07.2023 passed by the Superintendent of Police, Balasore restricting the Moharrum Tazia Procession only through selected streets under certain terms and conditions.
3. Mr. Pattanayak, learned counsel has submitted that traditionally the Tazia Festival is observed in 7 muslim bastis under villages Bidyadharpur, Mangalpur and Badibazar.

4. The petitioner had represented to the Superintendent of Police and the Tahasildar for granting permission to observe Tazia Festival in all those villages. But the permission was restricted to what we have noted above.

5. Mr. J.P. Patnaik, learned Government Advocate appearing for the State has stated that the State Administration has given due consideration. As there is ill-feeling between the two groups and that has led to law and order vulnerability, the said restriction has been imposed in the interest of maintenance of public order.

6. It is observed in the said order that one group is protesting against the Tazia Procession while the other group is planning to organize the Tazia Procession on 29.07.2023 & 30.07.2023. Having noticed this observation, we cannot just whittle down the apprehension of the State Administration including the Superintendent of Police, District-Balasore. However, we permit the petitioner to file a further representation, giving names of two or three places out of those Bastis where the Tazia Festival can be organized, without breach of law and order.

7. On receipt of the said representation, the Superintendent of Police, Balasore shall take a fresh look into the matter and only after being satisfied about the law and order situation in the proposed places, he may permit the petitioner or the organizer to hold such Tazia Muharram Festival in those places.

8. We make it abundantly clear that we are not making any observation to grant the permission in favour of the petitioner. The Superintendent of Police, Balasore shall take feedbacks and thereafter, will decide whether such permission can be granted or not.

9. The petitioner shall file the representation before 4.30 pm today to the Superintendent of Police, Balasore for consideration in terms of the above.

10. The writ petition stands disposed of, in terms of the above.

11. A copy of this order be supplied to Mr. J.P. Patnaik, learned Government Advocate for doing the needful.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge