

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION STAMP NO.11681/2020

Rajendra S/o Kewalkrishna Sharma
..Vs..
The State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Ashwini Athalye, Advocate for the petitioner.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATED :- 25.11.2020.

1. Heard Ms Ashwini Athalye, learned counsel for the petitioner, Shri S.Y. Deopujari, learned Government Pleader who appears by waiving notice for respondent No.1 and Shri A.D. Bhate, learned counsel for respondent No.2 who also appears by waiving notice on behalf of respondent No.2.

2. The learned counsel for the petitioner has invited our attention to the various orders issued by the Central Government and also the State Government. However, at this juncture, two of the orders issued by the State Government which are relevant for deciding the controversy in this petition are of the dates of 30.9.2020 and 29.10.2020. Learned counsel for the petitioner places heavy reliance upon these two orders for claiming

interim relief in the present case.

3. The prayer for interim relief is stoutly opposed by the learned Government Pleader and learned counsel appearing for respondent No.2 contending respectively that some time is required to be given to the State for obtaining the necessary instructions in the matter and that the order of the Collector impugned herein permitting the congregation of 200 persons for the purpose of convention of respondent No.2 scheduled to be held on 28th and 29th November, 2020 at Kasturba Medical Hall at Sewagram is in accordance with the orders passed by the Central Government.

4. We have gone through the order of the Central Government and what appears at this stage is that it only delineates the maximum persons which could be allowed in a public gatherings or congregations and it also lays down that if any exceptions are to be made, the concerned State Government, depending upon the situation prevailing in that State, would have the flexibility to permit such gathering beyond the limit of 100 persons outside the containment zones after 25th October, 2020, subject to certain conditions mentioned in this order which is of the date 31st October, 2020. So, prima facie, it is seen that unless and until any specific order permitting the large gathering beyond the limit of 100 persons is passed specifically by the State Government, the order dated 31st October, 2020 of the Central Government cannot be understood, at least at

this stage, as authorizing the Collector, Wardha to commit breach of the restrictions placed in the orders of the State Government dated 30.9.2020 and 29.10.2020. In these orders, large public congregations / gatherings are prohibited till 30.11.2020.

5. With such position emerging from the aforesaid orders, it is a matter of surprise for us that the respondent No.1, Collector, Wardha, by the impugned order dated 27.10.2020, has granted permission to respondent No.2 to hold a large congregation of 200 persons. This is of course, subject to correction at the behest of respondent No.1.

6. As material instructions have not been received by the Government Pleader, we deem it appropriate to adjourn the matter to 27th October, 2020 high on board for placing before this Court the latest and updated information regarding holding of large congregation of 200 persons. Meanwhile, if its is realized by respondent No.1 that the impugned order dated 27.10.2020 is not consistent with the orders of the State Government dated 30.9.2020 and 29.10.2020 and any of the other order of the State Government, we grant liberty to respondent No.1 to withdraw the impugned notice.

7. We also find that it is necessary that such an exercise is carried out by the Collector, Wardha as soon as possible as there is a possibility of the delegates arriving at Wardha through different modes of transport from 27th

November, 2020 and onwards.

8. Stand over to **27.11.2020** high on board.

JUDGE

JUDGE

Tambaskar.