

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI
HON'BLE Mr. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE
&
HON'BLE Mr. JUSTICE NINALA JAYASURYA

I.A.No.1 of 2021
in
WRIT APPEAL No.538 of 2021
and
WRIT APPEAL No.538 of 2021
(Through Video-Conferencing)

Shaik Jilani @ Saida, S/o. Sk. Mahboob, aged about
35 years, Occ: Hereditary Muthavalli of Run Hussaini
Peerla Panja (Wakf), R/o.D.No.8-6-1, Panja Centre,
Wynchipet, Vijayawada-1, Krishna District, Andhra Pradesh,
and others ... Appellants

Versus

The State of Andhra Pradesh, rep. by its Principal
Secretary, Home Department, A.P. Secretariat,
Velagapudi, Amaravathi, Guntur District, and others ... Respondents

Counsel for the appellants	:	Mr. P. Anand Seshu
Counsel for respondent Nos.1 to 3	:	Mr. V. Maheswara Reddy, G.P., Home
Counsel for respondent No.4	:	Mr. A. Jagannadha Rao, G.P.
Counsel for respondent Nos.6 to 8	:	Mr. B. Nageswara Rao

ORAL COMMON JUDGMENT

Dt: 02.09.2021

(Arup Kumar Goswami, CJ)

I.A.No.1 of 2021 is an application seeking grant of leave to appeal
against an order dated 06.08.2021 passed by the learned single Judge in
W.P.No.15899 of 2021.

Heard Mr. P. Anand Seshu, learned counsel for the applicant/appellant,
Mr. V. Maheswara Reddy, learned Government Pleader for Home, for
respondent Nos.1 to 3, Mr. A. Jagannadha Rao, learned Government Pleader
appearing for respondent No.4 and Mr. B. Nageswara Rao, learned counsel for
respondent Nos.6 to 8/writ petitioners.

Respondent Nos.6 to 8 as writ petitioners had filed writ petition, numbered as W.P.No.15899 of 2021 praying for a direction to respondent Nos.4 and 5 to consider the application dated 29.06.2021 submitted by them for permission to celebrate Muharram festival (134th Peerla) at Panja Centre, Wynchipet, Vijayawada, from 07.08.2021 to 20.08.2021. The learned single Judge, relying upon an earlier order dated 10.08.2020 passed in W.P.No.13594 of 2020 filed by them, disposed of the said writ petition permitting the writ petitioners to celebrate Muharram festival with the same terms and conditions as indicated in the order dated 10.08.2020 passed in W.P.No.13594 of 2020.

It is also relevant to note that the applicants/appellants had also filed a writ petition, numbered as W.P.No.16666 of 2021 seeking a direction to the Police to accord permission to them for performing Holy Muharram Peerla festival at the premises of Run Hussan Panja, Panja Centre, Vijayawada and the said writ petition was disposed of on 12.08.2021 with the following directions:

“ Therefore, as the petitioners herein are also entitled in the present facts and circumstances of the case to celebrate Holy Muharram during the present festival season of 2021, this Court is of the considered view that a similar direction to the Assistant Commissioner of Police, West Division, Vijayawada City, in this Writ Petition would be suffice to meet the ends of justice.

As the caveat petitioners have already obtained the order from this Court in W.P.No.15899 of 2021, they are also entitled to perform the said ritual. So, the respondent police officials shall take care of the law and order situation during celebration of the said Holy Muharram ceremony by the petitioners herein also and also caveat petitioners and also any other persons, who are entitled to perform the said ceremony.

Therefore, in the said facts and circumstances of the case, this Writ Petition is disposed of with a direction to the Assistant Commissioner of Police, West Division, Vijayawada City, Andhra Pradesh, to permit the petitioners herein also to celebrate Holy Muharram at the premises of Run Hussan Panja, Panja Centre, Vijayawada, by strictly adhering to the COVID-19 guidelines given by the Government and by providing necessary police aid to control the law and order situation at the time of celebrating the said Holy Muharram. The petitioners shall be permitted to perform the said Holy Muharram ceremony from 10.00 A.M., to 01.00 P.M., and the caveat petitioners shall be permitted to perform the said Holy Muharram ceremony from 02.00 P.M., to 05.00 P.M.”

The writ petitioners in W.P.No.15899 of 2021 though not made parties in W.P.No.16666 of 2021 were heard, as there was a caveat petition on their behalf. In the order dated 12.08.2021 in W.P.No.16666 of 2021, reference was made to the order of the learned single Judge dated 06.08.2021 passed in W.P.No.15899 of 2021.

The present writ appeal came to be filed along with I.A.No.1 of 2021 seeking leave to file the same, after Moharrum was celebrated and was over.

In the attending facts and circumstances, we find no good ground to grant leave to appeal.

Accordingly, I.A.No.1 of 2021 is dismissed.

Consequently, the writ appeal stands disposed of. No order as to costs. Pending miscellaneous applications, if any, shall stand closed.

ARUP KUMAR GOSWAMI, CJ
MRR

NINALA JAYASURYA, J