



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.12099 of 2024  
Reserved on: 13.10.2025  
Date of Decision: 17.10.2025

Padam Sharma & Ors. ....Petitioners  
Versus  
State of Himachal Pradesh & Ors. ....Respondents

Coram:  
**Hon'ble Mr. Justice Sandeep Sharma, Judge.**  
Whether approved for reporting? <sup>1</sup>Yes.

**For the Petitioners:** Mr. Ankush Dass Sood & Mr. N.S. Chandel, Senior Advocates with Mr. Ajay Sipahiya, Mr. Yashveer Singh Rathore & Mr. Prashant Sharma, Advocates.

**For the Respondents:** Mr. Anup Rattan, Advocate General, Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General, for the respondents-State.

Mr. Shrawan Dogra, Senior Advocate with Mr. Bharat Thakur, Mr. Tejsavi Dogra and Ms. Bhanvi Negi, Advocates, for respondent No.7.

Mr. Ashir Kaith and Mr. Ankit Kaloti, Advocates, for respondent No.8.

Mr. Aman Kumar, SDM Kupvi, District Shimla, Himachal Pradesh and ASI/SHO Sat Prakash, PS Kupvi, District Shimla, Himachal Pradesh, present in person.

**Sandeep Sharma, Judge**(oral):

By way of instant petition, petitioners have prayed for the following main reliefs:-

*"i. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the Respondents to enforce the order dated 05.11.2020 issued by the SDM, Chopal and to*

<sup>1</sup>Whether the reporters of the local papers may be allowed to see the judgment?

*implement the written agreement dated 12.11.2020 by taking all necessary measures to ensure that the Diwali festival is celebrated village-wise, as per the agreed terms;*

*ii. Issue a writ in the nature of mandamus directing the State Respondents to prevent individuals neighboring villages from forcibly entering Village Gaunkhar during the Diwali celebrations, thereby averting any potential breach of peace and public order;*

*iii. Issue a writ in the nature of mandamus directing the State Respondents to take all necessary preventive measures, including but not limited to, deploying adequate police personnel in Village Gaunkhar during the Diwali Festival to ensure the maintenance of law and order and the safety of the petitioners and other villagers of Ghaunkhar; and*

*iv. Grant just and proper reliefs in exercise of the extra ordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India considering the facts and circumstances of the case and further the cost of the petitioner may kindly be awarded in favour of the petitioners and against the respondents."*

2. For having bird's eye view, facts relevant for adjudication of the case at hand, as emerge from the pleadings adduced on record by the respective parties are that since times immemorial, the festivals of *Bishu*, *Budhi Diwali* and *Poornima*, having profound significance in the cultural tapestry of the area, were being celebrated in the courtyard of *Mahasu Devta* temple, situated in Gram Panchayat Gaunkhar, symbolizing unity and communal harmony. However, few years back festival of *Budhi Diwali*, which is usually celebrated after 20 days of Diwali, was discontinued and residents of Gram Panchayats Dhar Chandna and Bawat started celebrating 'Nayi Diwali', a three-day festival. The

celebrations on the eve of 'Nayi Diwali' also take place in the courtyard of *Mahasu Devta* Temple, situate in Village Gaunkhar, where residents gather to engage in spirited dance and melodious songs in local language.

3. However, with the passage of time, this holy function has become a source of discord for the residents of Village Gaunkhar. Petitioners allege that some residents of Gram Panchayats Dhar Chandna and Bawat, who used to visit the *Mahasu Devta* Temple, situate in Village Gaunkhar to pay their obeisance, started behaving irresponsibly and engaging in illegal activities. This unwanted intrusion of anti-social elements in the village of petitioners allegedly led to frequent disturbances and instilled a constant fear of violent altercations during Diwali in Village Gaunkhar. Though at first instance, petitioners along with other residents of Village Gaunkhar made efforts at local/administrative level to stop joint Diwali celebrations in their village, but since no heed was paid by the authorities as well as Gram Panchayats concerned to their request, petitioner No.2, Madan Mohan Sharma, lodged a formal online complaint (complaint No.111166) via "Chief Minister Seva Sankalp" portal, articulating the distressing experiences endured by the villagers. In the complaint, petitioner No.2 alleged rampant use of abusive language and derogatory remarks by anti-social elements in a state of inebriation (Annexure P-2).

4. In response to aforesaid complaint, Sub-Divisional Magistrate, Chopal, conducted an inquiry to look into the correctness of allegations. Since during inquiry, allegations levelled by the petitioners were found to be correct, Sub-Divisional Magistrate, Chopal, passed order dated 05.11.2020, thereby restraining inhabitants of Village Dhar Chandna from entering Village Gaunkhar for Diwali celebrations. Afore authority ordered the residents of Village Dhar Chandna to celebrate Diwali within the confines of their own village (Annexure P-3). After passing of aforesaid order, a joint meeting of the residents of Villages Bawat, Dhar Chandna, Gaunkhar and Oran was convened on 12.11.2020 in the premises of *Mahasu Devta* Temple at Village Gaunkhar, which was attended by prominent persons of area, including Government officials such as Tehsildar Kupvi and SHO, Police Station Kupvi. The primary objective of this meeting was to address the concerns of the petitioners regarding incidents of abusive language and disruptive behaviour by the outsiders which disrupted Diwali celebrations. With the efforts of community leaders and local authorities, it was unanimously resolved that the residents of aforesaid villages shall celebrate Diwali in their respective villages and in no circumstance, they would go to *Mahasu Devta* Temple, situate in Village Gaunkhar, on the eve of Diwali. Collective decision taken by the residents of villages named hereinabove led to discontinuation of Diwali celebrations at Village Gaunkhar from the year 2021, pending the approval of the local deity, *Mahasu Devta*.

However, it specifically came to be agreed that Diwali festival for the year 2020 would be celebrated jointly, as per tradition. In furtherance of the consensus reached during the aforementioned meeting and in this regard, a comprehensive written statement was recorded in the presence of Tehsildar, Kupvi and SHO, Kupvi on 12.11.2020 (Annexure P-4). Though in terms of afore consensus, it was agreed that Diwali festival for the year 2020 would be celebrated as per past customs and traditions, but subject to adherence to Covid-19 guidelines issued vide office order dated 10.11.2020, by Sub-Divisional Magistrate, Chopal (Annexure P-6). Mutually agreed arrangement arrived at on 12.11.2020 adhered to for two successive years.

5. As per petitioners, on 13.11.2023, a group of 150-200 persons led by the residents of Gram Panchayat Dhar Chandna, in disregard to the established consensus, orchestrated a flambeau (Mashaal) procession into village Gaunkhar without any prior notice. Afore group allegedly entered the village singing loud in the local dialect, dancing and setting off firecrackers. Petitioner No.3 was allegedly manhandled, worsening the situation. A formal complaint was lodged in Police Station Kupvi in this regard. As per petitioners on 14.11.2023, a procession of approximately 1000 to 1500 persons forcibly entered Village Gaunkhar, causing concern amongst local residents. Despite prior mutual agreement and approval by *Mahasu Devta* Mali, allegedly the residents of Gram Panchayat Dhar Chandna not only violated the agreement, but

also started altercations and conflicts with the residents of Village Gaunkhar as is evident from the complaint made to the Police (Annexure P-7). In the afore background, petitioners approached this Court through instant petition, praying therein for the reliefs, as have been reproduced hereinabove.

6. Having regard to the nature of dispute and sensitivity of the matter, this Court, vide order dated 28.10.2024, directed Deputy Commissioner, Shimla as well as Superintendent of Police, District Shimla, to file short affidavit on or before next date of hearing. In terms of aforesaid order, learned Additional Advocate General placed on record communication dated 29.10.2024, issued under the signatures of Additional District Magistrate (L&O) Shimla, stating therein that the authorities responsible for maintaining law and order, having taken note of apprehension of breach of peace, on account of entry of the residents of Village Dhar Chandna, have already made a formal request to the Director General of Police to depute 40 police personnel in Village Dhar Chandna on the eve of Diwali celebrations at Village Gaunkhar. This Court also came to be apprised through aforesaid communication that Sub-Divisional Magistrate, vide order dated 15.11.2020, has already restrained the residents of Village Dhar Chandna from visiting Village Gaunkhar during Diwali, as such, authorities detailed hereinabove with a view to ensure compliance of order dated 05.11.2020 have already made proper arrangements. This Court, having taken note of aforesaid



communication dated 29.10.2024, issued under the signatures of Additional District Magistrate (L&O) Shimla, Himachal Pradesh, disposed of the petition with a direction to Deputy Commissioner, Shimla as well as Superintendent of Police, Shimla to ensure that order dated 05.11.2020 passed by Sub-Divisional Magistrate, Chopal as well as written compromise arrived *inter se* parties is adhered to by the residents of both the Villages i.e. Gaunkhar and Dhar Chandna so that no untoward incident takes place. This Court, vide judgment dated 29.10.2024, specifically directed authorities to bring the factum of passing of order in the knowledge of the villagers by affixing public notice in Gram Panchayats of the villages concerned so that the order is not flouted by the villagers. Careful perusal of pleadings adduced on record by the respective parties reveals that pursuant to afore direction issued by this Court, vide judgment dated 29.10.2024, residents of both the Villages Gaunkhar and Dhar Chandna celebrated Diwali in their respective villages and no untoward incident, if any, has been reported.

7. After some time of passing of judgment dated 29.10.2024 in CWP No.12099 of 2024, Gram Panchayat Dhar Chandna, respondent No.7 in the instant proceedings, filed Review Petition No.35 of 2025 through its Pradhan, sought to review/recall order dated 29.10.2024, on the ground that at the time of passing of aforesaid order, it was not heard, as a result thereof, great prejudice has been caused to the residents of Gram Panchayat Dhar Chandna. Precisely, it came to be argued on behalf of

the review petitioner as well as Gram Panchayat Bawat that though they were impleaded as party respondents No.7 & 8, but were not issued any notice, as a result thereof, this Court, having taken note of version put forth by the petitioners, proceed to pass order/judgment sought to be reviewed. It came to be submitted on behalf of respondents No.7 and 8 that on account of passing of judgment dated 29.10.2024, residents of both the Gram Panchayats, as detailed herein, are now permanently estopped from celebrating Diwali in *Mahasu Devta* Temple, situate in Village Gaunkhar.

8. This Court, having taken note of nature of dispute, coupled with the fact that review petitioners i.e. respondents No.7 & 8 were not issued any notice prior to passing of judgment dated 29.10.2025, recalled order/judgment dated 29.10.2024 vide order dated 01.09.2025. Pursuant to passing of order dated 01.09.2025 in Review Petition No.35 of 2025, case at hand came to be restored to its original number and same is listed for hearing. Though being dissatisfied with order dated 01.09.2025 passed by this Court in Review Petition detailed hereinabove, petitioners herein filed LPA No.689 of 2025, but Principal Division Bench of this Court, having taken note of fact that matter is pending before this Court refused to pass any interim order, rather directed this Court to take up the matter prior to Diwali. In afore background, matter has been again listed before this Court.



9. During proceedings of the case, it came to be vehemently argued by Mr. Ankush Dass Sood and Mr. N.S. Chandel, learned Senior Counsel, duly assisted by Mr. Ajay Sipahiya, Mr. Yashveer Singh Rathore, learned counsel for the petitioners, that since Sub-Divisional Magistrate, Chopal, having taken note of dispute as well as threat to public peace, passed order dated 05.11.2020, thereby restraining residents of both the villages from celebrating Diwali in the courtyard of *Mahasu Devta* Temple, situated in Village Gaunkhar, there is/was no occasion, if any, for the respondents to state that they be permitted to celebrate Diwali in the courtyard of *Mahasu Devta* temple. Learned Senior Counsel for the petitioners further argued that after passing of order dated 05.11.2020 by Sub-Divisional Magistrate, Chopal, residents of both the villages have entered into written compromise dated 12.11.2020, thereby agreeing that they will celebrate Diwali in their respective villages, as such, any order passed at this juncture by this Court, thereby permitting respondents to celebrate Diwali in the courtyard of *Mahasu Devta* temple, situated in Village Gaunkhar, would not only be against the written compromise arrived *inter se* parties as well as order passed by Sub-Divisional Magistrate, Chopal, but may also enhance tension between residents of Villages Gaunkhar, Dhar Chandna and Bawat. While referring to order dated 05.11.2020 as well as inquiry report taken into consideration by Sub-Divisional Magistrate before passing of order dated 05.11.2020, learned Senior Counsel for

the petitioners argued that in the name of upholding old traditions, anti-social elements belonging to Gram Panchayats Dhar Chandna and Bawat come in huge numbers carrying weapons to the temple of *Mahasu Devta* temple and thereafter, create ruckus. They submitted that in past, persons, who had come in procession, were not only under the influence of liquor, but they also gave beatings to the residents of Village Gaunkhar. They further submitted that since persons coming in procession carry torches (*mashaals*) in their hands, there is always a fear of fire breaking out.

10. It is further submitted by the petitioners that though earlier *Budhi Diwali* was being celebrated in the courtyard of *Mahasu Devta* temple by the residents of Village Gaunkhar and Gram Panchayats Dhar Chandna and Bawat, but in a peaceful manner. However, for the last few years, anti-social elements have succeeded in spoiling the peaceful atmosphere of the Diwali celebrations, as a result thereof, it was decided *inter se* residents of Village Gaunkhar and Gram Panchayats Dhar Chandna and Bawat to celebrate Diwali in their respective villages. While referring to the incident of the year 2023, whereafter one FIR came to be lodged, learned Senior Counsel for the petitioners submitted that despite there being restraint order issued by the Sub-Divisional Magistrate, Chopal, more than 1000 persons unauthorizedly entered Village Gaunkhar on the eve of Diwali and created ruckus. They submitted that in case prayer made on behalf of the private respondents are accepted,

there may be chances of breach of peace. They fairly submitted that though residents of Gram Panchayats Dhar Chandna and Bawat are always welcome to pay obeisance to *Mahasu Devta* ji by visiting temple situate in Village Gaunkhar, but not on the day of Diwali that too in the shape of procession. They submitted that though in past, residents of the villages detailed hereinabove had been celebrating Diwali together, but with the passage of time, such custom/tradition has come to an end and now, some vested interest with a view to create tension *inter se* residents of Village Gaunkhar and residents of Gram Panchayats Bawat and Dhar Chandna have started celebrating 'Nayi Diwali' that too on the day of Diwali and during this period, they not only consume liquor in the temple premises, but also indulge in other illegal activities, thereby spreading unrest and anxiety amongst the residents of Village Gaunkhar.

11. To the contrary, Mr. Shrawan Dogra, learned Senior Counsel for respondent No.7, while refuting the aforesaid submissions made on behalf of the petitioners, vehemently argued that since times immemorial, Diwali is being celebrated in the courtyard of *Mahasu Devta* temple, in Village Gaunkhar by the residents of Gram Panchayats Dhar Chandna and Bawat. He submitted that since it is a matter of faith and established custom for the residents of Gram Panchayats Dhar Chandna and Bawat to celebrate Diwali in the premises of *Mahasu Devta* Temple, situate in Village Gaunkhar, Sub-Divisional Magistrate, Chopal has/had no authority whatsoever to pass order dated 05.11.2020, thereby

restraining residents of Gram Panchayats detailed herein to not celebrate Diwali in the temple concerned. He submitted that save and except two minor incidents in the years 2019 and 2023, no other untoward incident ever came to be reported, as such, it would be great injustice to the residents of Gram Panchayats Dhar Chandna and Bawat in case they are estopped from celebrating Diwali in the temple premises of their *Devta* i.e. *Mahasu Devta*.

12. While referring to Articles 25 and 26 of the Constitution of India, Mr. Shrawan Dogra, learned Senior Counsel for respondent No.7, attempted to argue that residents of Gram Panchayats Dhar Chandna and Bawat have a fundamental right to practice their religious faith. He submitted that every religious denomination or any section thereof has a right to manage its religious affairs. He submitted that since Diwali is being celebrated by the residents of the villages detailed hereinabove in the premises of *Mahasu Devta* Temple, situated in Village Gaunkhar for last so many years, they cannot be estopped/prevented from celebrating such function as per their own customs and traditions at a designated place i.e. *Mahasu Devta* Temple. He submitted that though right to freedom to manage religious affairs, as enshrined under Article 26 of the Constitution of India, is subject to public order, morality and health, but there is nothing to suggest that on account of Diwali celebrations in the temple premises, there would be any disruption to public order. He submitted that otherwise also, mere allegations of disharmony allegedly

caused by some anti-social elements cannot be a ground for the authorities concerned to completely ban the Diwali celebrations by the residents of Gram Panchayats Dhar Chandna and Bawat in the premises of *Mahasu Devta* temple, situated in Village Gaunkhar.

13. Lastly Mr. Dogra, learned Senior Counsel, submitted that though there cannot be any quarrel with the fact that no person can be permitted to create indiscipline in the premises of *Devta ji* and in that regard, certain restrictions can be imposed either by the authorities or by the elected representative of the Gram Panchayats, but in no eventuality, residents of the Gram Panchayats concerned can be stopped from celebrating Diwali in the courtyard of *Mahasu Devta* temple. He submitted that residents of Gram Panchayats Dhar Chandna and Bawat repose deep faith in *Mahasu Devta* and they have been performing special pooja in the temple, since the times of their ancestors. He submitted that any order, thereby restraining petitioners from celebrating Diwali in temple premises would amount to infraction of Articles 25 and 26 of the Constitution of India, which guarantee freedom of conscience, right to freely profess and practice their faiths/religion as well as freedom to manage religious affairs. He submitted that since Article 26 of the Constitution of India reserves right to every religious denomination to manage its own affairs in matters of religion, no directives, if any, can be issued by the authorities in the name of disruption of public order, especially when except some stray incidents, no other incident of breach

of peace came to light in Village Gaunkhar, attributable to residents of Villages Dhar Chandna and Bawat. He submitted that a handful of persons cannot decide the right of hundreds of persons residing in the Gram Panchayats Dhar Chandna and Bawat and agreement dated 12.11.2020 cannot bind all residents of the respective villages.

14. I have heard learned counsel for the parties and carefully gone through the record.

15. Though this Court finds that through instant petition, very innocuous and simple prayer has been made on behalf of the petitioners to issue directions to the respondents to enforce/implement order dated 05.11.2020 issued by Sub-Divisional Magistrate, Chopal and implement written agreement dated 12.11.2020 by taking all necessary measures to ensure that Diwali festival is celebrated as per agreed terms, however, having regard to the nature of dispute and rival contentions of the parties, this Court finds that the issue, sought to be decided in the instant proceedings, cannot be said to be a simple one, rather involves protection of Fundamental Rights of the residents of respective villages as enshrined under Articles 25 and 26 of the Constitution of India. Order dated 05.11.2020 passed by Sub-Divisional Magistrate, Chopal, if implemented instead of resolving issues, may create hostility between the residents of the villages.

16. Celebration of festivals like Bishu, *Budhi Diwali* and Poornima in the courtyard of *Mahasu Devta* Temple since times immemorial, by the



residents of Gram Panchayats Dhar Chandna and Bawat, performing various religious and cultural activities during Diwali is an admitted fact. It is also an admitted fact that for the last few years festival of *Budhi Diwali*, which is celebrated after 20 days of Diwali, has been discontinued and instead, now the villagers are celebrating Nayi Diwali, a three-day festival. During such celebrations, residents of Gram Panchayats Dhar Chandna and Bawat assemble in the courtyard of *Mahasu Devta* temple in Village Gaunkhar for paying obeisance to their deity, during which they not only dance, but also waive torches (*mashaals*) to ward off the evil. Unfortunately, in the year 2019, some unscrupulous persons, under the influence of liquor not only hurled abuses at the residents of Village Gaunkhar during celebration, but also gave beatings to some persons, resulting in lodging of cross FIRs. Subsequently, pursuant to one complaint lodged by petitioner No.2 in the year 2019, Sub-Divisional Magistrate, Chopal conducted inquiry and found allegations levelled by petitioner No.2 to be correct.

17. With a view to avoid escalation of tension *inter se* residents of Village Gaunkhar and Gram Panchayats Dhar Chandna and Bawat, afore authority, vide order dated 05.11.2020, restrained the residents of Dhar Chandna and Bawat from celebrating Diwali in the premises of *Mahasu Devta* Temple. Besides above, some respectable members of respective villages also entered into written agreement, thereby agreeing that though in that year they will be celebrating Diwali in the premises of

*Mahasu Devta* Temple but thereafter, they will be celebrating Diwali in their own villages.

18. In nutshell, claim/grouse of the petitioners, as has been highlighted and further canvassed by their respective counsel, is that though festival of *Budhi Diwali* was being earlier celebrated in the courtyard of *Mahasu Devta* temple, but for last so many years people of the area have stopped celebrating *Budhi Diwali*, yet a few anti-social elements belonging to villages falling under Gram Panchayats Dhar Chandna and Bawat have started celebrating Nayi Diwali in temple premises on the eve of Diwali, as a result thereof, residents of Village Gaunkhar are under constant fear on account of the fact that some of anti-social elements indulged in illegal activities and gave beatings to the residents of Village Gaunkhar, coupled with the fact that for the last so many years festival of *Budhi Diwali* is not being celebrated in temple premises, petitioners lodged a complaint to the competent authority, requesting therein to restrain residents of Gram Panchayats Dhar Chandna and Bawat from entering their Village Gaunkhar on the eve of Diwali, but yet despite there being restraint order passed by the competent authority i.e. Sub-Divisional Magistrate, Chopal, some of the residents of Gram Panchayats Dhar Chandna and Bawat not only created ruckus in the temple premises of *Mahasu Devta*, situate at Village Gaunkhar, but also hurled abuses under the influence of liquor. Though petitioners herein are not opposed to entry of the residents of

Gram Panchayats Dhar Chandna and Bawat in the temple of *Mahasu Devta*, but their apprehension is that in case residents of afore Panchayats are permitted to celebrate Diwali in the premises of *Mahasu Devta* ji, hostility may escalate. Petitioners claim that the authorities of State have failed to maintain law and order in Gaunkhar. Petitioners allege that due to unscrupulous activities of a handful of miscreants from other villages their right to life is being infringed.

19. Respondents No.7 and 8, who represent residents of Gram Panchayats Dhar Chandna and Bawat, though admit that Diwali function should be celebrated in most cordial and peaceful manner, but while specifically denying allegation of indiscipline and ruckus, if any, created by the residents of aforesaid Gram Panchayats, it has been stated at their behest that Articles 25 and 26 of the Constitution of India, give them freedom to worship their deity, whose temple is situated in Village Gaunkhar. It has been further argued at their behest that the restraint order passed by Sub-Divisional Magistrate, Chopal, cannot be permitted to encroach upon their right to practice religious faith. Since residents of villages Dhar Chandna and Bawat are celebrating Diwali in the courtyard of *Mahasu Devta* temple in Village Gaunkhar and except a few instances, there is no other incident of breach of peace, any order, putting a restraint upon residents of afore villages, would but escalate hostility.

20. It is an admitted fact that the festival in question is being celebrated in the temple premises in question since long and prior to 2019, when some miscreants breached peace in Gaunkhar, there was no strife amongst the residents of three Panchayats causing a stir in the peaceful atmosphere in the village and apprehension in the minds of villagers of Gaunkhar regarding their safety. Allegation with regard to indiscipline created by some anti-social elements were found to be correct but despite matter being reported to police, persons from Dhar Chandna and Bawat visited Mahasu temple in Gaunkhar and some of visitors caused a ruckus, allegedly in the influence of liquor, but question, which needs to be determined in the case at hand is that "whether on account of aforesaid untoward incident in the year 2019 and thereafter, in the year 2023, residents of Gram Panchayats Dhar Chandna and Bawat can be stopped from visiting and paying obeisance to their deity i.e. Devta Mahasu ji on the eve of Diwali?"

21. It is not in dispute that residents of Gram Panchayats Dhar Chandna and Bawat have faith in Mahasu Devta and they have been visiting Mahasu Devta for years together on the eve of Diwali. Since it is not disputed by petitioners that residents of Villages Dhar Chandna and Bawat had been celebrating Budhi Diwali in temple premises of Mahasu Devta, this court is persuaded to agree with Mr. Dogra, learned senior counsel that some stray incidents of breach of peace cannot be made basis to restrain private respondents from entering Gaunkhar.

22. During arguments, it also came to be admitted at the behest of parties to the lis that not only during Diwali, residents of Gram Panchayats Dhar Chandna and Bawat visit temple at Gaunkhar, but on regular basis. Besides celebration of Budhi/Nayi Diwali, other functions namely Bishu and Poornima are also celebrated in the courtyard of *Mahasu Devta* temple at Gaunkhar. During pendency of the present case, permission was granted by this Court to the residents of Gram Panchayats Dhar Chandna and Bawat to celebrate Poornima in the courtyard of temple premises, but while doing so, this Court called upon Pradhans of Gram Panchayats concerned to give undertaking that no untoward incident would take place and in case of such incident, they shall be responsible and it is heartening to note that such undertaking was honored.

23. Since it stands established on record that *Mahasu Devta* ji is local deity of the residents of Gram Panchayats Dhar Chandna and Bawat and residents of the area have deep faith and devotion towards their deity, imposition of restraint is no solution to the problem. Otherwise also, residents of Gram Panchayats Dhar Chandna and Bawat have right of freedom to practice their faith as enshrined under Articles 25 and 26 of the Constitution of India. Article 25 of the Constitution of India guarantees right to freedom of religion. As per aforesaid provision of law, all persons are equally entitled to freedom of conscience and right to profess, practice and propagate religion but subject to public order,

morality and health. Article 25(2) empowers State to make any law regulating or restricting any economic, financial, political or other secular activity, which may be associated with religious practice; 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. Sub-clause (b) of Clause (2) of afore Article clearly provides that reference to Hindus shall be construed as including a reference to persons professing Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly. Article 26 of the Constitution of India further gives freedom to the persons to manage religious affairs but subject to public order, morality and health.

24. In terms of aforesaid provision of law, every religious denomination or any section thereof shall have the right to manage its own affairs in the matters of religion. Though majority of residents of villages concerned, who beside, following their religion have special reverence and devotion towards their local deity i.e. *Devta* Mahasu Ji and people of the area having deep faith and devotion towards deity i.e. *Devta* Mahasu ji do not start any work without permission of their deity and there is an old tradition of celebrating functions like Budhi/Nayi Diwali, Poornima and Bishu in the temple premises. Since Article 26 of the Constitution of India reserves right to every religious denomination or any section thereof to manage its own affairs in matters of religion, no executive order, save and except in the event of disruption of public



order, morality and health, can be passed as it would amount to infraction of Articles 25 and 26 of the Constitution of India. At this stage, it would be apt to take note of Articles 13, 25 and 26 of the Constitution of India, which are reproduced hereinbelow:-

***"13. Laws inconsistent with or in derogation of the fundamental rights***

*(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.*

*(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.*

*(3) In this article, unless the context otherwise requires,*

*-(a) "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;*

*(b) "laws in force" includes laws passed or made by Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.*

*(4) Nothing in this article shall apply to any amendment of this Constitution made under article 368.*

***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 maybe 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.

**26. Freedom to manage religious affairs**

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.

25. Article 13 of the Constitution of India clearly provides that all laws in force in the territory of India immediately before the adoption of our Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void. As per aforesaid provision of law, State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void. Law as referred in aforesaid provision would include any ordinance, order, bye-law, rule, regulation, notification, custom or usage having in

the territory of India the force of law. Laws in force further includes laws passed or made by Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed. Article 13(2) clearly prohibits the making of any law by the State which takes away or abridges rights, conferred by Part III of the Constitution. In the event of such a law being made the same shall be void to the extent of contravention. Reliance in this regard is placed upon judgment passed by Hon'ble Apex Court in **State of Punjab v. Dalber Singh**, 2012 AIR (SC) 1040: 2012 (3) SCC 346, wherein, it has been held that the fundamental rights, enshrined in Part III of the Constitution, are inherent and cannot be extinguished by any constitutional or statutory provision. Any law that abrogates or abridges such rights would be violative of the basic structure doctrine. Reliance is also placed upon judgment passed by Hon'ble Apex Court in **State of West Bengal v. Committee for Protection of Democratic Rights, West Bengal**, AIR 2010 SC 1476. Having carefully perused aforesaid provision as enshrined in the Constitution as well as law taken into consideration this Court is persuaded to agree with Mr. Shrawan Dogra, learned Senior Counsel for respondent No.7 that any order passed by Sub-Divisional Magistrate, Chopal, thereby restricting the residents of Gram Panchayats Dhar Chandna and Bawat would amount to infraction of their fundamental right as enshrined under Articles 25 and 26 of the

Constitution of India, which gives them freedom to profess, practice and propagate religion and to manage its own affairs in matters of religion.

26. Though having carefully perused aforesaid provision, this Court also cannot lose sight of the fact that the freedom of conscience and free profession, practice and propagate religion as enshrined under Articles 25 and 26 of the Constitution of India is subject to public order, morality and health and to other provisions of this part, but question which needs consideration is that to what extent rights as enshrined under Articles 25 and 26 of the Constitution of India can be restricted/ permanently take away in the name of public order, morality and health. As per aforesaid provisions, though residents of the area concerned have right to profess, practice and propagate religion and manage its own affairs in matter of religion, but while doing so, they cannot be permitted to cause disruption of public order.

27. Next question, which needs consideration is that “whether one or two incidents allegedly happened in the year 2019 and 2023, whereby allegedly some anti social elements, while celebrating Diwali in the courtyard of *Mahasu Devta* temple at Village Gaunkhar indulged in illegal activities, can be said to be sufficient for restraining all the residents of Gram Panchayats Dhar Chandna and Bawat from celebrating Diwali in the temple premises at Village Gaunkhar. Since it stands established on record that since time immemorial, function of *Budhi Diwali*, which is now being celebrated in the name of Nayi Diwali, was being celebrated in the

temple premises by the residents of Gram Panchayats Dhar Chandna and Bawat coupled with the fact that otherwise residents of afore Gram Panchayats have freedom to profess, practice and propagate religion as provided under Article 25 and 26 of the Constitution of India, orders, if any, passed by Sub-Divisional Magistrate or this Court, thereby restraining all the residents of Gram Panchayats as detailed hereinabove from celebrating Diwali in temple premises situate at Village Gaunkhar would amount to infraction of Articles 13, 25 and 26 of the Constitution of India, which is not permissible.

28. Question of interpretation of the words "in the interest of public order" in Article 19(2) of the Constitution came to be considered by Hon'ble Apex Court in ***Superintendent, Central Prison, Fategarh and Another Vs. Dr. Ram Manohar Lohia***, AIR 1960 SC 633, wherein Hon'ble Apex Court held that in India under Article 19(2) this wide concept of "public order" is split up under different heads. It enables the imposition of reasonable restrictions on the exercise of the right to freedom of speech and expression in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. Hon'ble Apex Court further held that "public order" is synonymous with public peace, safety and tranquility. Hon'ble Apex Court further held that in order to be reasonable, "restriction must have reasonable relation to the object which the legislation seeks to achieve

and must not go in excess of that object". The restriction made "in the interests of public order" must also have reasonable relation to the object to be achieved, i.e., the public order. If the restriction has no proximate relationship to the achievement of public order, it cannot be said that the restriction is a reasonable restriction within the meaning of the said clause. Relevant paras of the afore judgment are extracted hereinbelow:-

*"11. But in India under Art. 19(2) this wide concept of "public order" is split up under different heads. It enables the imposition of reasonable restrictions on the exercise of the right to freedom of speech and expression in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. All the grounds mentioned therein can be brought under the general head "public order" in its most comprehensive sense. But the juxtaposition of the different grounds indicates that, though sometimes they tend to overlap, they must be ordinarily intended to exclude each other. "Public order" is therefore something which is demarcated from the others. In that limited sense, particularly in view of the history of the amendment, it can be postulated that "public order" is synonymous with public peace, safety and tranquility.*

*12. The next question is what do the words "interest of public order" mean? The learned Advocate General contends that the phrase "in the interest of public order" is of a wider connotation than the words "for the maintenance of public order" and, therefore, any breach of law which may have the tendency, however remote, to disturb the public order would be covered by the said phrase. Support is sought to be drawn for this wide proposition from the judgment of this Court in Ramji Lal Modi v. State of U.P., MANU/SC/0101/1957 : 1957CriLJ1006 . It is not necessary to state the facts of that case, as reliance is placed only on the observations of Das, C.J., at p. 865 (of SCR) which read:*



*"It will be noticed that the language employed in the amended clause is "in the interests of" and not "for the maintenance of". As one of us pointed out in Debi Saron v. The State of Bihar the expression "in the interests of" makes the ambit of protection very wide. A law may not have been designed to directly maintain public order and yet it may have been enacted in the interests of public order."*

*The learned Chief Justice again in Virendra v. State of Punjab, MANU/SC/0023/1957 : [1958]1SCR308 (of SCR) much to the same effect :*

*"As has been explained by this Court in MANU/SC/0101/1957 : 1957CriLJ1006 , the words "in the interests of" are words of great amplitude and are much wider than the words "for the maintenance of." The expression "in the interests of" makes the ambit of the protection very wide, for a law may not have been designed to directly maintain the public order or to directly protect the general public against any particular evil and yet it may have been enacted "in the interests of" the public order or the general public as the case may be."*

*We do not understand the observations of the Chief Justice to mean that any remote or fanciful connection between the impugned Act and the public order would be sufficient to sustain its validity. The learned Chief Justice was only making a distinction between an Act which expressly and directly purported to maintain public order and one which did not expressly state the said purpose but left it to be implied there from; and between an Act that directly maintained public order and that indirectly brought about the same result. The distinction does not ignore the necessity for intimate connection between the Act and the public order sought to be maintained by the Act.*

*13. Apart from the said phrase, another limitation in the clause, namely, that the restrictions shall be reasonable, brings about the same result.*

The word "reasonable" has been defined by this Court in more than one decision. It has been held that in order to be reasonable, "restriction must have reasonable relation to the object which the legislation seeks to achieve and must not go in excess of that object". The restriction made "in the interests of public order" must also have reasonable relation to the object to be achieved, i.e., the public order. If the restriction has no proximate relationship to the achievement of public order, it cannot be said that the restriction is a reasonable restriction within the meaning of the said clause. A full bench decision of the Federal Court in *Rex v. Basudeva* contains some observations which give considerable assistance to construe the words. In that case, the appellant was detained in pursuance of the order made by the Government of U.P. under the U.P. Prevention of Black-Marketing (Temporary Powers) Act, 1947. The question was whether the preventive detention provided for in s. 3(1)(i) of the said Act was preventive detention for reasons connected with the maintenance of public order. The argument in that case ran on the same lines as in the present case. The learned Advocate General there urged that habitual black-marketing in essential commodities was bound sooner or later to cause a dislocation of the machinery of controlled distribution which, in turn, might lead to breaches of the peace and that, therefore, detention with a view to prevent such black-marketing was covered by the entry. Answering that argument, Patanjali Sastri, as he then was, pointed out, at p. 69 :

"Activities such as these are so remote in the chain of relation to the maintenance of public order that preventive detention on account of them cannot, in our opinion, fall within the purview of Entry I of List II . . . . . The connection contemplated must, in our view, be real and proximate, not far-fetched or problematical."

29. In afore case, question was whether Section 3 of UP Special Powers Act constitutes valid and reasonable restrictions on the right of

freedom of speech in the interest of public order under Article 19(2) of the Constitution of India. Hon'ble Apex Court held that reasonable restriction of free speech must have a direct connection to public order. Reliance is also placed upon judgment passed by Hon'ble Apex Court in ***Sri Lakshmindra Thirtha Swamiar of Sri Vs. State of Travancore-Cochin***, (1954) 1 Supreme Court Cases 412, wherein Hon'ble Apex Court while elaborating the scope of Articles 25 and 26 of the Constitution of India held that religious denomination's right to manage its own affairs in matters of religion cannot be taken away by any legislation but administration of its property by a religious denomination can be regulated by law, though law taking away right of administration altogether from the religious denomination would be violative of Article 26 (d). In Afore judgment, Hon'ble Apex Court while interpreting "matters of religion" and "Religion", held that what constitutes essential part of a religion has primarily to be ascertained with reference to doctrines of that religion itself religious denominations enjoy complete autonomy in deciding rites and ceremonies to be observed. Most importantly, in afore judgment, Hon'ble Apex Court held that what Article 25(2) of the Constitution of India contemplates is not regulation by the State of religious practices as such, the freedom of which is guaranteed by the Constitution except when they run counter to public order, health and morality but regulation of activities which are economic, commercial or political in their character though they are associated with religious

practices. While interpreting word “denomination” as used in Article 26 of the Constitution of India, Hon’ble Apex court has held that it contemplates not merely a religious denomination but also a section thereof, the Math or the spiritual fraternity represented by it can legitimately come within the purview of Article 26. In afore judgment, Hon’ble Apex court held that provision of Madras Act 2 of 1927 vested excessive control in Commissioner and violated fundamental right of religion denomination as enshrined under Articles 25 an 26 of the Constitution of India *shrur maths* is a qualified denomination and has right to manage its own affairs. Though State can regulate secular activities of religious institution but cannot interfere with the practice considered essential and integral to religion itself. Relevant paras of afore judgment are extracted hereinbelow:

*15. We now come to Article 25 which, as its language indicates, secures to every person, subject to public order, health and morality, a freedom not only to entertain such religious belief, as may be approved of by his judgment and conscience, but also to exhibit his belief in such outward acts as he thinks proper and to propagate or disseminate his ideas for the edification of others. A question is raised as to whether the word “persons” here means individuals only or includes corporate bodies as well. The question, in our opinion, is not at all relevant for our present purpose. A Mathadhipati is certainly not a corporate body; he is the head of a spiritual fraternity and by virtue of his office has to perform the duties of a religious teacher. It is his duty to practise and propagate the religious tenets, of which he is an adherent and if any provision of law prevents him from propagating his doctrines, that would certainly affect the religious freedom which is guaranteed to every person under Article 25. Institutions as such cannot practise or propagate religion; it can be done only by individual persons and whether these persons propagate their personal views or the tenets for which the institution stands is really immaterial for*

*purposes of Article 25. It is the propagation of belief that is protected, no matter whether the propagation takes place in a church or monastery, or in a temple or parlour meeting.*

*20. The contention formulated in such broad terms cannot, we think, be supported. In the first place, what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself. If the tenets of any religious sect of the Hindus prescribe that offerings of food should be given to the idol at particular hours of the day, that periodical ceremonies should be performed in a certain way at certain periods of the year or that there should be daily recital of sacred texts or oblations to the sacred fire, all these would be regarded as parts of religion and the mere fact that they involve expenditure of money or employment of priests and servants or the use of marketable commodities would not make them secular activities partaking of a commercial or economic character; all of them are religious practices and should be regarded as matters of religion within the meaning of Article 26(b). What Article 25(2)(a) contemplates is not regulation by the State of religious practices as such, the freedom of which is guaranteed by the Constitution except when they run counter to public order, health and morality, but regulation of activities which are economic, commercial or political in their character though they are associated with religious practices. We may refer in this connection to a few American and Australian cases, all of which arose out of the activities of persons connected with the religious association known as "Jehova's Witnesses". This association of persons loosely organised throughout Australia, USA and other countries regard the literal interpretation of the Bible as fundamental to proper religious beliefs. This belief in the supreme authority of the Bible colours many of their political ideas. They refuse to take oath of allegiance to the king or other constituted human authority and even to show respect to the national flag, and they decry all wars between nations and all kinds of war activities. In 1941 a company of "Jehova's Witnesses" incorporated in Australia commenced proclaiming and teaching matters which were prejudicial to war activities and the defence of the Commonwealth and steps were taken against them under the National Security Regulations of the State. The legality of the action of the Government was questioned by means of a writ petition before the High Court and the High Court held that the action of the Government was justified and that Section 116, which guaranteed freedom of religion under the Australian Constitution,*



was not in any way infringed by the National Security Regulations [Adelaide Co. of Jehovah's Witnesses Inc. v. Commonwealth, (1943) 67 CLR 116 (Aust) at p. 127] . These were undoubtedly political activities though arising out of religious belief entertained by a particular community. In such cases, as Chief Justice Latham pointed out, the provision for protection of religion was not an absolute protection to be interpreted and applied independently of other provisions of the Constitution. These privileges must be reconciled with the right of the State to employ the sovereign power to ensure peace, security and orderly living without which constitutional guarantee of civil liberty would be a mockery.

23. It is to be noted that both in the American as well as in the Australian Constitutions the right to freedom of religion has been declared in unrestricted terms without any limitation whatsoever. Limitations, therefore, have been introduced by courts of law in these countries on grounds of morality, order and social protection. An adjustment of the competing demands of the interests of Government and constitutional liberties is always a delicate and a difficult task and that is why we find difference of judicial opinion to such an extent in cases decided by the American courts where questions of religious freedom were involved. Our Constitution makers, however, have embodied the limitations which have been evolved by judicial pronouncements in America or Australia in the Constitution itself and the language of Articles 25 and 26 is sufficiently clear to enable us to determine without the aid of foreign authorities as to what matters come within the purview of religion and what do not. As we have already indicated, freedom of religion in our Constitution is not confined to religious beliefs only; it extends to religious practices as well subject to the restrictions which the Constitution itself has laid down. Under Article 26(b), therefore, a religious denomination or organisation enjoys complete autonomy in the matter of deciding as to what rites and ceremonies are essential according to the tenets of the religion they hold and no outside authority has any jurisdiction to interfere with their decision in such matters. Of course, the scale of expenses to be incurred in connection with these religious observances would be a matter of administration of property belonging to the religious denomination and can be controlled by secular authorities in accordance with any law laid down by a competent legislature; for it could not be the injunction of any religion to destroy the institution and its endowments by incurring wasteful expenditure on rites and ceremonies. It should be



*noticed, however, that under Article 26(d), it is the fundamental right of a religious denomination or its representative to administer its properties in accordance with law; and the law, therefore, must leave the right of administration to the religious denomination itself subject to such restrictions and regulations as it might choose to impose. A law which takes away the right of administration from the hands of a religious denomination altogether and vests it in any other authority would amount to a violation of the right guaranteed under clause (d) of Article 26.*

*25. It may be pointed out at the outset that the learned Judges were not right in including Sections 18, 39(2) and 42 in this list, as these sections are not applicable to Maths under the Act itself. This position has not been disputed by Mr Somayya, who appears for the respondent."*

30. No doubt having carefully perused provisions contained under Articles 25 and 26 of the Constitution of India as well as law laid down by Hon'ble Apex Court as detailed herein, State is well within its rights to regulate or restrict any religious activity which may cause disruption of public order, morality and health, but certainly freedom to profess, practice and propagate religion and to manage its own affairs in matters of religion as provided under Articles 25 and 26 of the Constitution of India cannot be taken away by passing blanket order, thereby restraining residents of the Gram Panchayats Dhar Chandna and Bawat from entering the temple premises on the eve of Diwali, rather State authorities, while protecting right to profess, practice and propagate religion as enshrined under Articles 25 and 26 of the Constitution of India. All the residents of the respective villages may put reasonable restrictions as held in ***Superintendent, Central Prison Fategarh*** (supra). The limitation imposed in the interests of public order to be a

reasonable restriction, should be one which has a proximate connection or nexus with public order, but not one far-fetched, hypothetical or problematical or too remote in the chain of its relation with the public order. True it is that there are allegations of disruption of public order by some of anti-social elements on the eve of Diwali in the year 2019 and 2023, but such illegal act, if any, on the part of handful people cannot be ground to take away the right of freedom, profess, practice and *propagate* religion of public at large i.e. Gram Panchayats Dhar Chandna and Bawat. If the cross FIRs, which came to be filed after alleged incident in the year 2019 and 2023, are seen, it clearly reveals that few people under the influence of liquor indulged in illegal activities and allegedly hurled abuses. Appropriate action in accordance with law already stands initiated against such persons. As per status reports submitted by the SHO of the area concerned, no untoward incident happened in the year 2023. Since it is not in dispute that temple of *Mahasu Devta* ji situate in Village Gaunkhar is frequently visited by the residents of Gram Panchayats Dhar Chandna and Bawat and people of these Panchayats have deep faith and devotion towards their deity, no fruitful purpose would be served by passing a blanket order, thereby restricting residents of the Gram Panchayats concerned, from visiting the temple in question on the eve of Diwali, rather such order, if permitted to be implemented would further hurt the sentiments and faith of devotees of *Mahasu Devta* ji. District administration, otherwise being responsible

to maintain law and order, can impose restrictions, thereby calling upon devotees to not indulge in illegal activities and pay obeisance to their *Devta* ji in peaceful manner, but certainly any order passed thereby completely banning the entry of the devotees in the temple would amount to infraction of Articles 13, 25 and 26 of the Constitution of India. District Administration with a view to protect the fundamental right of the residents of the area concerned as enshrined under Articles 25 and 26 of the Constitution of India and to ensure public order can always convene meeting of elected representatives as well as influential people of the area for identification/elimination of anti-social elements so that communal harmony is maintained and no disruption is caused to the public order.

31. Though having regard to the nature of prayer made in the instant proceedings, this Court straightaway disposed of the petition, thereby directing authorities concerned to implement order dated 05.03.2020, but since issue at hand is not only of public importance but involves right to practice religious faith, as enshrined under Articles 25 and 26 of the Constitution of India, it requires a re-consideration.

32. This Court is of the view that in view of the fact that Diwali was being celebrated jointly by the villagers of concerned villages since long and it is only on account of some stray incidents of disruption of public order that matter has reached authorities and thereafter court, restraining villagers of one Village from entering another village and stopping them

from worshipping their deity, would not solve any problem, rather, would complicate the issue, making situation worse. This Court is of the definite view that ultimate decision with regard continuation of Diwali celebration in the courtyard of *Mahasu Devta* temple can only be taken by the residents of the area, after sitting together and order passed by Sub Divisional Magistrate would come in the way of peaceful and permanent resolution of the dispute.

33. In view of the detailed discussion as well as law taken into consideration, coupled with the fact that festival of Diwali is scheduled to be held for three days w.e.f 20.10.2025 and further with a view to ensure peace and harmony amongst the residents of Village Gaunkhar and Gram Panchayats Dhar Chandna and Bawat, following directions are passed:

- a. Though order dated 05.11.2020 passed by Sub-Divisional Magistrate, Chopal, shall not come in the way of residents of Gram Panchayats Dhar Chandna and Bawat for celebrating Diwali in the premises/courtyard of *Mahasu Devta* temple situate at Village Gaunkhar, but while doing so, they will not; come in large procession; carry any kind of weapon; will not use any abuse language; carry one torch (*Mashaal*) for one family, which shall be kept outside temple premises/court yard
- b. Large congregation in the temple premises would be avoided;

- c. No person under the influence of liquor or other intoxicants shall not permitted to enter temple premises including courtyard, any violation there shall invite penal and contempt proceedings;
- d. residents of Gram Panchayats Dhar Chandna and Bawat would ensure that no nuisance is caused to the residents of Village Gaunkhar, while performing religious dance and performing songs;
- e. Deputy Commissioner as well as Superintendent of Police, Shimla, to ensure deployment of sufficient police force in Mahasu Temple, Village Gaunkhar during Diwali festivities starting on 20.10.2025, for three days to prevent any untoward incident. Police shall be free to take action against any miscreant, especially those under the influence of liquor or any other intoxicant;
- f. Pradhans, Gram Panchayats Dhar Chandna and Bawat, to ensure honouring of undertaking given before this Court, to ensure that no nuisance is created by the residents of their Panchayats and they shall ensure that these orders are conveyed to all the residents, to ensure strict compliance thereof; failing which they shall also invite penal and contempt proceedings;

34. Aforesaid directions have been issued solely with a view to ensure that no untoward incident takes place during ensuing 'Nayi Diwali' celebration.

35. After conclusion of Diwali festivities, elected representatives of Villages Gaunkhar and Gram Panchayats Dhar Chandna and Bawat can sit together for the resolution of dispute, once for all. If need arises, they shall be at liberty to approach this court.

The petition stands disposed of in the afore terms, alongwith all pending applications.

Mr. Rajan Kahol, learned Additional Advocate General to ensure that these directions as promptly conveyed to Deputy Commissioner and Superintendent of Police, Shimla, for action on their part, keeping in view the urgency of the matter for which purpose, an authenticated copy of this order shall be supplied to him today itself.

**(Sandeep Sharma),  
Judge**

October 17, 2025  
(*sunil*)