

Order below Exh. 26

1. Advocate of the petitioner has filed application for grant of stay to the festival for the period 19/03/2022 to 22/03/2022 due to possibility of breach of public peace and tranquility. Notice was issued to the respondents. Advocate of the petitioner had deleted respondent Nos. 2 and 3 by filing pursis at Exh.11. Respondent Nos. 1 and 4 appeared and filed their say behind the said application resisting it.

2. Heard Advocate A.S. Kesarkar for the petitioner and Advocate S. H. Khwaja for respondent No.1, Learned APP R.V. Desai for respondent No. 4. It is the contention of Advocate of petitioner that on 01/04/2021 the predecessor of this Court had given directions for stay till further orders. Accordingly, no festival can be conducted in the Shri Dev Ravalnath and Shri Dev Mauli till further orders. It is the contention of Advocate of respondent Nos.1 and 4 that the revision petition is in respect of order dated 27/03/2021 passed by Tahasildar and Executive Magistrate, Sawantwadi. Tenure of said order is over. Hence, the application is not maintainable. It is abuse of process of law and he has prayed for costs of Rs.25,000/- to be imposed on the petitioners.

3. Perused record. Operative part of Order dated 01/04/2021 passed by my Learned Predecessor is reproduced hereunder-

आदेश

१. दि.२७.०३.२०२१ रोजी सामनेवाले क.४ कार्यकारी दंडाधिकारी यांनी दिलेली दि.०२.०४.२०२१ या दिवशी दुपारी २.०० पर्यंत रितीरिवाजानुसार श्री देव खळनाथ व श्री देवी माऊली या देवस्थानाचे देवताकृत्य व धार्मिक विधीची परवानगी पुढील आदेशापर्यंत स्थगित करण्यात येत आहे.

२. सामनेवाले क. १ यांनी या आदेशाचे संपूर्ण पालन करावयाचे आहे.

सही/—

दिनांक:०१.०४.२०२१

(वर्षारानी पत्रावळे)

तदर्थ जिल्हा न्यायाधीश —१

व सहायक सत्र न्यायाधीश,

सिंधुदुर्ग — ओरोस

It seems that there is ambiguity due to the words ‘...पुढील आदेशापर्यंत...’. Use of said words has lead the Advocate of petitioner to construe the order that it would remain in force till further orders. Plain reading of operative part of the above quoted order also mentions the specific date i.e. 02/04/2021 and time till 2:00p.m. It is, thus, clear that the above order was to be in force till 02/04/2021 till 2:00p.m. Said date and time have lapsed last year itself. Now, said order is not in force. Further, upon perusal of the main revision petition it is seen that it is in respect of order dated 27/03/2021 passed by Tahasildar and Executive Magistrate, Sawantwadi. Said order no where mentions nor any subsequent time or period can be mentioned in it.

4. The order below Exh.5 passed by my Learned Predecessor can by no stretch of imagination be construed to include future events. Advocate of the petitioner has misconstrued and misinterpreted said order as per his convenience. Accordingly, there is no question of grant of stay to the festival celebrations from 19/03/2022 to 22/03/2022 in Shri Dev Ravalnath and Shri Dev Mauli. In spite of the legal position being very clear that the Criminal Revision Petition is in respect of order dated 27/03/2021, the order passed by my Learned Predecessor is unnecessarily twisted. It is clear abuse of process of law. Yet taking a magnanimous view no costs are imposed on the petitioner. Hence the order-

ORDER

1. The application is rejected.

Date : 21/03/2022
Place : Sindhudurg-Oros

(Dr. Gauri Kawdikar)
Additional Sessions Judge,
Sindhudurg- Oros