



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5996 of 2026

Munazir Khan

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Wahaj Ahmad Siddiqui
Counsel for Respondent(s) : C.S.C.

Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.**

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the petitioner and learned Standing Counsel for the State.
3. In the present case, petitioner says that he is prevented from conducting prayers during Ramzan on Gata No.291 where according to the learned counsel for the petitioner a Mosque exist. The petitioner has not filed any photographs of a Mosque or a place of worship within which the Namaz is supposed to be offered.
4. The state has disputed the ownership of the said Gata No.291 and the same is reflected in the names of Mohan Singh and Bhooraj Singh both sons of Sukhi Singh in the revenue records. However, permission is granted only to the extent of twenty worshipers, who may offer Namaz, whereas the petitioner says a larger number of persons may come to offer Namaz as it is Ramzan time within the premises.
5. Learned counsel for the State has said that on account of perceived law and order situation such an order restricting number of worshipers have been passed.
6. We out rightly reject the contention put forth by the learned counsel for the State. It is the duty of the State to ensure that the rule of law prevails under every circumstance. If the local authorities i.e. Superintendent of

Police and Collector feels that the law and order situation could arise because of which they want to limit the number of worshipers within the premises, they should either resign from their post or seek transfer outside Sambhal if they feel they are not competent enough to enforce the rule of law. It is duty of the State to ensure that every community is able to offer worship peacefully in the designated place of worship and if it is a private property as already been held by the Court earlier, to perform worship without any permission from the State. This Court has already settled that it is only where prayers or religious functions have to be held on public land or spill over the public property that the involvement of the State is essential and permission must be sought.

7. Under the circumstances, and State has sought time to seek instructions in this case and the petitioner wants to file supplementary affidavit bringing on record photographs and revenue records to show where the Namaz is to be offered.

8. List this case on 16.03.2026, as fresh in top ten cases.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

February 27, 2026

S.Prakash