

Ishtiaq Hussain Farooqui

Vs

State of U. P. and Others

Writ Petition (Civil) No. 11067 of 1984

(A. P. Sen, B. C. Ray JJ)

29.09.1986

ORDER

1. We fail to appreciate the occasion for filing such a petition. The maintenance of law and order is a function of the District Magistrate and we have every reason to believe that the District Magistrate of Lucknow with a view to avoid any possible breach of peace would take the necessary steps well in advance for the purpose of maintaining public order which would be in the larger interests of the society. The exercise of fundamental rights under Articles 25 and 26 of the Constitution is not an absolute right but must yield or give way to maintenance of public order as laid down by this Court in Gulam Abbas v. State of U. P. The principles are well settled and it is but for the District Magistrate to exercise his powers in consonance with the provisions of Section 144 of the Code of Criminal Procedure, 1973. This petition under Article 32 of the Constitution appears to be wholly misconceived.

2. The petition is accordingly dismissed. The petitioner shall be at liberty to move the District Magistrate, Lucknow to take appropriate measures well in advance that there are no such incidents.

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