

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39367 of 2016

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India, questioning the action of the respondents in not granting permission to conduct Public Meeting on 20.11.2016 at 10.00 am in Pampadipet village, Thondangi Mandal, East Godavari District, by the petitioner party, as illegal and arbitrary and consequently, direct the respondents to grant permission to the petitioner party to conduct public meeting on 20.11.2016 at 10.00 am in Pampadipeta village, Thondangi Mandal, East Godavari District.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that on 18.11.2016, this Court directed the authorities concerned to take a decision on the representation made by the petitioner on 09.11.2016 and in pursuance of the said direction, the authority concerned considered the said representation and rejected the same, and subsequently, the petitioner made another representation on 20.11.2016 to permit them to conduct meeting on 17.12.2016, therefore, the authority concerned may be directed to consider the said representation.

Learned Government Pleader for Home, on obtaining written instructions, submitted that if the petitioner is permitted to conduct the public meeting, there is every possibility of law and order problem, and a number of cases are already registered against the persons, who involved in agitation with regard to establishment of a company in that area, and therefore, he requested to issue permission to the petitioner for conduct of the meeting with the following conditions:

- “i. Place of meeting should be far away from the DIVIS Lab i.e. 4 kms., from the DIVIS site.

- ii. Meeting should be commenced and completed between 10 am to 1 pm.
- iii. Previously many violent incidents took place during Dharna by CPM leaders. Therefore, villagers of Pampadipeta, Tatyakulapalem and Kothapakala villagers who are having lands should only participate in the meeting. Other than these villagers should not be allowed to participate in the meeting. Organizers should ensure that no antisocial elements mingle in the public.
- iv. Public who attend the meeting should not allowed to carry any sort of deadly weapons i.e. sticks, knives, chilli powder.
- v. During public meeting, speakers should not give any provocative speeches which may result in violence.
- vi. Before, during and after the meeting any sort of rally, dharna, rastaroko should not be allowed.
- vii. Organizers are responsible if villagers trespass in to the DIVIS site and commit any destruction of company properties or any other violent and illegal acts.
- viii. Meeting place should be informed to the police in advance for making necessary BB arrangements.
- ix. Organizers should give an undertaking in writing that they strictly follow the guidelines issued by Hon'ble Supreme Court in India in W.P.(CrI) No.77 of 2007 and they do not indulge in any acts of violence."

In view of the above submissions of the learned Government Pleader for Home, the petitioner is directed to conduct the public meeting on 17.12.2016 by following the above said conditions. Further, during the course of said meeting, if any undue incidents and any law and order problem are created by the petitioner and its followers, it is left open to the respondents to take appropriate action and the petitioner also directed to give an affidavit before the authority concerned that they will abide by the conditions imposed in this order.

Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 16, 2016.
KTL