

HON'BLE SRI JUSTICE S.V. BHATT

W.P.Nos.35738 &35760 OF 2017

COMMON ORDER:

Heard Mr.L.Ravi Chander, holding for Mr.I.Gopal Sharma and Smt.B.Rachna Reddy for petitioners in these two writ petitions.

The Telangana Joint Action Committee (TJAC), represented by its Chairmen Prof.M.Kodandaram and V.Chalma Reddy filed these two writ petitions. The writ prayers are substantially similar and the prayer in W.P.No.35738 of 2017 reads thus:

....this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of "Writ of Mandamus" declaring the inaction of the Respondents in repeatedly refusing or not responding until the last minute and refusing to conduct of any assembly, meeting or rally, resulting in large scale arrests under the guise of 'preventive detention,' and in particular not responding to the permission request for conducting a Public Meeting in the name of "KOLUVULA KAI KOTLATA" on 31-10-2017 from 11 to 5 pm., in either Saroornagar Indoor Stadium, Sports Authority, Ranga Reddy District, or in an Open private space, between L. B. Nagar., and Big Bazar., already consented by the owner, or Nizam College Grounds, or NTR Stadium near Indira Park, or any other suitable, mutually agreeable open space, under the aegis of the 'Telangana Joint Action Committee, in spite of having made an advance Representation dt.13.10.2017, 9.10.2017, and providing required assurances and willingness to pay any applicable fees, which has become an unfortunate pattern of Respondent's highhandedness, as illegal, arbitrary, in violation of Article 14, 19, especially 19(1)(b) of the Constitution of India, in violation of Section 30 of the Police Act, 1861, against the principles of natural justice, and consequently to direct the Respondents to take necessary action and grant permission for the peaceful conduct of the Public Meeting on 31.10.2017, forthwith and to pass..."

The petitioners complaining inaction filed these two writ petitions. The writ petitions are heard for admission on 26.10.2017 and at request of Special Government Pleader, representing respondents, the writ petitions were directed to be listed on 30.10.2017. The matter was heard on 31.10.2017 and the Special Government Pleader placed on record proceedings dated 27.10.2017 of Deputy Commissioner of Police, L.B.Nagar Zone, Rachakonda Commissionerate. Through the instant proceedings, the request of petitioners for conducting public meeting under the banner 'Koluvula Kai Kotlata' was rejected. The respondents have taken time till 06.11.2017 to file counter affidavit in these two writ petitions. Respondent No.5/Deputy Commissioner of Police, L.B.Nagar Zone, Rachakonda Commissionerate filed counter affidavit in W.P.No.35738 of 2017 and the 4th respondent/Commissioner of Police filed counter affidavit in W.P.No.35760 of 2017.

The learned counsel appearing for petitioner, having regard to the reply of Deputy Commissioner of Police/respondent No.5 in W.P.No.35738 of 2017, which reads as follows:

"The above writ petitioner was heard on 31.01.2017. After the case was adjourned to Monday i.e., 06.11.2017 I had reconsidered the matter afresh in the light of the opinion tendered by the Law Officers concerned. In the changed scenario this Respondent is inclined to consider the request of the petitioner organization for a grant of permission to conduct their meeting at Saroornagar Stadium premises without touching the indoor play ground. It is humbly submitted that the Saroornagar Indoor Stadium comprises of an indoor play ground an open space around it. The petitioner organization can be permitted to make use of sprawling grounds which is used for playing outdoor games on any public holiday subject to certain conditions which are necessary for the maintenance

of law and order to prevent inconvenience to the general public, provided the petitioner makes as fresh application”.

has submitted that the petitioner would apply for permission for conducting public meeting or taking out procession for the purpose already stated in the representation dated 25.10.2017. It is contextual to refer at this juncture of the order that the counsel appearing for the petitioner on one hand and the Special Government Pleader on the other have submitted in favour and against the conditions referred in paragraph 10 of the counter affidavit. This Court upon verification of the pleadings, the prayer in the writ petition and the reply of Deputy Commissioner of Police/respondent No.5 is neither adverting to these contentions and ought not to be understood as this Court expressed a view either way.

As is evident from paragraph 9 of the counter affidavit, the 5th respondent is inclined to consider the request of petitioner-organization for grant of permission to conduct the meeting at Saroorngar Stadium premises without touching the indoor play ground. The date, timing, conditions etc., are matters for submission by petitioner and examination by 5th respondent. Hence, the writ petitions are ordered as follows:

- (a) The factual and legal contentions raised by the parties in all aspects are left open for consideration as and when a lis arises on substantive prayers;
- (b) The petitioner is given liberty to apply to 5th respondent for permission to conduct meeting, enclose a copy of this order with the proposed application furnishing, among other details, the date, time and venue of proposed

public meeting, number of persons likely to participate and also the measures the petitioner-organization would be taking to ensure maintenance of law and order and prevention of disruption to normal life by such assembly or its members;

- (c) the 5th respondent on receipt of the request from petitioner independently examines the request and grants permission by imposing such conditions as are felt reasonable and necessary in this behalf;
- (d) the 5th respondent disposes of the application within three working days from the date of receipt of the request from petitioner;
- (e) It is needless to observe that the petitioner-organization complies with the conditions imposed by respondents and enforces its fundamental right of assembly or protest within the four corners of law.

There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

08th November, 2017

Lrkm

S.V.BHATT, J