

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.34689 OF 2017

ORDER:

Heard Smt.B.Rachna Reddy for petitioner and Mr.Sarath Kumar, Special Government Pleader for respondents.

The Telangana Joint Action Committee (TJAC), represented by its Co-Convenor I.Gopal Sharma filed this writ petition. The writ prayer 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 rejections orders vide C.No.637/SB-NGA/2017 dt.19.10.2017, & C.No.222/SP-Camp/2017, dt.19.10.2017 and non-consideration of clarifications sought vide Pro.No.280/A/ACP-CTPL/2017 dt.18.10.2017, for permission/licence applications made to conduct a peaceful 'Amarula Spoorthy Yatra, 7th phase from Nalgonda, Yadadri, Bhuvanagiri, Suryapet districts from October 21-22nd 2017, including 'Road Show,' and 'Public Meeting,' in a vehicle a fitted with a mike, to visit people of the area and discuss public problems to put forth before the Respondent Government, which is a continuation of the Yatra started from June 21st 2017 under the aegis of the 'Telangana Joint Action Committee,' in spite of having made an advance representation dt.5.10.2017, seeking permissions to conduct the 'Yatra,' in spite of having granted a conditional permission to use a mike in Gandhi Park, Suryapet, on 22.10.2017 from 18.00 to 22.00 hours vide C.No.254/MIKE/SDPO-S/2017 dt.5.10.2017, and providing required assurances and willingness to pay any applicable fees, as illegal, arbitrary, unconstitutional, in violation of Section 30 of the Police Act, 1861, against the principles of natural justice, and consequently to direct the respondent authorities to immediately take necessary action and grant permission for the peaceful conduct of the 'Amarula Sphoorthy Yatra' in Nalgonda, Yadadri Bhuvanagir and Suryapet on the dates directed

by the Hon'ble High Court other than 21.10.2017 - 22.10.2017 and to pass..."

The petitioner complaining inaction filed this writ petition. The writ petition is heard for admission on 20.10.2017 and at request of learned Additional Advocate General, representing respondents, the writ petition was directed to be listed on 23.10.2017. The matter was heard on 25.10.2017 and the learned Additional Advocate General placed on record proceedings dated 19.10.2017 of the Superintendent of Police, Nalgonda. Through the instant proceedings, the request of petitioner for conducting public meeting under the banner "Amarula Spoorthy Yatra" was rejected. The respondents have taken time till 08.11.2017 to file counter affidavit. Respondent No.3/Inspector General of Police, West Zone, Hyderabad filed counter affidavit.

The learned counsel appearing for petitioner, having regard to the reply of Respondent No.3/Inspector General of Police, West Zone, Hyderabad, which reads as follows:

".....In the above background, this respondent would humbly submit that the police administration is not against the TJAC nor it is predetermined to reject all the applications moved by the petitioner organization. The only concern of the police administration is that any programme conducted by any person, group or an association must not result in law and order problems and pose a threat to the public safety or properties. The respondents are inclined to consider the grant of permission to the petitioner organization, if a fresh application is filed before the competent authorities in the districts of Nalgonda, Suryapet and Rachakonda Commissionerate subject to the conditions".

submits that the petitioner would apply for permission for conducting Yatra or taking out procession for the purpose already stated in the representation dated 05.10.2017. 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 the counter affidavit. This Court upon verification of the pleadings, the prayer in the writ petition and the reply of Respondent No.3/Inspector General of Police, West Zone, Hyderabad is not adverting to these contentions and ought not to be understood as this Court expressed a view either way.

As is evident from the contents of the counter affidavit, the respondents are inclined to consider the request of petitioner-organization for grant of permission to conduct "Amarula Spoorthy Yatra" as proposed. The date, timing, conditions etc., are matters of information and details for submission by petitioner and examination by respondents. Hence, the writ petition is 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 respondents for permission to conduct 'Amarula Spoorthy Yatra', enclose a copy of this order with the proposed application furnishing, among other details, the date, time and venue of proposed Yatra, 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 respondents 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 respondents 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.

10th November, 2017

Prv

S.V.BHATT, J