

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.41518 OF 2017

ORDER:

Heard Ms.G.Jhansi for petitioner and the learned Government Pleader (Home) for respondents.

The petitioner applied for permission to conduct a public meeting in Circus Ground, Karimnagar. The petitioner relies on order of the Revenue Divisional Officer dated 23.11.2017 and prays for permission from respondents to hold public meeting.

At request of respondents, the writ petition has been directed to be listed today to produce the record from the office of Commissioner of Police. The learned Government Pleader has placed before the Court the file which dealt with the proceedings impugned in the writ petition.

For appreciating the reasons stated by respondent No.3 in rejecting permission, I consider it appropriate to excerpt the proceedings dated 05.12.2017 as follows:

Sri MD.Khairuddin, President, Jamat-E- Islami Hind, Karim Nagar district has applied for granting permission to conduct a 'public meeting' on 09.12.2017 in the Circus Ground, Karimnagar on the arrival of Sri Swamy Laxmi Shankara Charya to address the meeting.

I have gone through the details mentioned in the application carefully. There are inputs that this meeting could cause a major communal situation.

Therefore, the application to conduct a public meeting' on 09.12.2017 in the Circus Ground, Karim Nagar by Sri MD Khairuddin, President, Jamat-E-Islami Hind, Karim Nagar district is hereby considered and REJECTED from law and order point of view.

Please acknowledge the receipt of the proceedings.”

Respondent No.3, as is evident from the order, is persuaded to reject permission on the ground that the meeting could cause a major communal situation between the Communities. In the report file produced by the learned Government Pleader, the details of speakers are given and also the antecedents of the speakers. Notwithstanding the rejection, on instructions, the learned Government Pleader informs the Court that the petitioner if prefers a venue other than the Circus Ground, preferably a function hall, auditorium etc, the request for conducting the meeting would be considered. He further states that keeping in view the sensitive nature and also the arrangements, the respondents are required to make the alternate venue is suggested. Learned counsel for petitioner contends that if a public meeting is required to be held either in a function hall or in an auditorium, the petitioner does not require permission. In other words, this Court is of the view that the petitioner is not prepared to go with the alternative suggestion made by the administration. In the issues relating to processions, public meetings etc, the law is no more *res-integra*, This Court is also under obligation to protect the right of petitioner under Article 19 (1)(g) read with proviso . While enforcing the right of petitioner, it cannot and could not be contended that the request of petitioner for a public meeting at a place, time etc. of its choice has to be accepted. After perusing the file this Court is of the view that the concern expressed by

administration and the alternate suggestion made by it cannot be ignored and a permission is granted by this Court. It is in this aspect of the matter, this Court has difficulty in appreciating the prayer of the petitioner. Further, keeping in view the short time available for imposing conditions and making arrangements in respect of a public meeting, where precautionary principles on law and order etc. are to be followed by the administration, no case is made out for the present. For the above reasons, the writ petition fails and the writ petition is dismissed. No order as to costs.

Learned counsel for petitioner after the order is dictated contends that the respondents may be directed to consider giving permission either in a function hall or in a auditorium, as all other arrangements are made by petitioner for convening the public meeting. The Government Pleader (Home) submits that, if the details of participants, place etc. are furnished by evening, the authorities would consider and pass the orders.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 08.12.2017

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