

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.399 of 2018

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

While putting in issue the power of the High Court under Article 226 of the Constitution of India, to a meeting to be convened and held on a day, different even from that sought for by the petitioner (respondent herein), Learned Advocate-General for the State of Andhra Pradesh would fairly state that, if this question is left open to be examined in subsequent legal proceedings, a meeting can be permitted to be held in accordance with the directions of the Learned Single Judge on condition that no vehicles, carrying people who intend to participate in the meeting, is permitted to enter Guntur city; and a list of speakers be furnished in advance to the Government.

When we asked him to explain why the State Government requires the list of speakers to be furnished to them in advance, Learned Advocate-General would submit that furnishing such a list would rule out the possibility of any member, of a banned organization from, being permitted to speak at the venue.

Sri G.Jayaprakash Babu, Learned Counsel for the respondent-writ petitioner, would submit that the apprehensions expressed by the Learned Advocate-General are wholly unfounded; no member of any banned organization would be speaking at the venue; it is only after taking into account all factors, that the Learned Single Judge had fixed the date of the meeting as 4th March, 2018 which is a Sunday and a holiday; and restricting

entry of vehicles would cause needless inconvenience to those who intend participating in the meeting.

With regards furnishing a list of speakers in advance, suffice it to record the submission of Sri G.Jayaprakash Babu, Learned Counsel for the respondent-writ petitioner, that, while in principle no such list can be sought by the Government, the petitioner, with a view to avoid all controversy, is ready to furnish a list of speakers to the Sub-Divisional Police Officer (4th respondent in the Writ Petition), at the venue, half an hour before commencement of the meeting.

With regards entry of vehicles carrying participants to the meeting, we are informed by the Learned Advocate-General that the distance from the outer limits of Guntur city, to the place of the meeting, is around 4 K.Ms. We consider it appropriate, therefore, to impose an additional condition, apart from those imposed by the Learned Single Judge, that lorries and buses, carrying participants to the meeting, shall not be brought to the venue; and people coming from outside Guntur shall, however, not be prevented, in any manner, from participating in the meeting.

It is wholly unnecessary for us, in the present case, to examine the submission of the Learned Advocate-General that the High Court would not, in proceedings under Article 226 of the Constitution of India, grant permission fixing the time and venue of the meeting, to be held on a particular date and time. Suffice it to make it clear that this question is left open to be examined in appropriate legal proceedings. Needless to state that the other directions, issued by the learned Single Judge, shall be complied with by the respondent-writ petitioner.

With the aforesaid observations, the Writ Appeal is disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

Date: 02nd March, 2018.

Note:
Issue C.C. today.
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