

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.9293 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

‘...to issue a Writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the order dated 18.03.2018 passed by the 3rd respondent as illegal, irrational and against the principles of the natural justice and pass other order or orders as this Hon’ble Court may deem fit and proper in the circumstance of the case and in the interest of justice and equity.’

2. Heard the submissions of *Sri N. Harinath*, learned counsel appearing for the petitioners, and of Sri S. Sharath, Additional Advocate General appearing for the respondents. Perused the material record.

3. The case of the writ petitioners and the submissions made on their behalf, in brief, are as follows:

The 1st petitioner is a registered non-Government religious organization *vide* registration no.1219/1976; its aims and objects are to promote Hindu religious activities. It is accordingly taking up several religious activities viz., protection & restoration of temples and creation of spiritual, religious & cultural awareness among the citizens to uplift the rich Indian socio, cultural and religious heritage. In this connection, the petitioner organisation, in coordination with Sri Rama Nama Japa Yagna Samithi, has proposed a Sree Rama Rath Yatra to be commenced on 18.03.2018, Ugadi day, and concluded on 31.03.2018, Hanuman Jayanti day. Accordingly, the petitioner approached the 2nd respondent-Directorate General of Police, Telangana State, *vide* letter,

dated 15.03.2018, along with the detailed itinerary. In the said letter it was stated that Sree Rama Rath Yatra would be covering various towns of Telangana State viz., Adilabad, Nizamabad, Warangal, Karimnagar, Nalgonda, Medak, Khammam, Ranga Reddy and Hyderabad. It was proposed that the Ratha Yatra would start from Basara and end at Hyderabad. The Rath Yatra is intended to awaken the rural youth on the aspects of Hindu religion and to spread the Awatara Purusha Sri Rama's message. The 2nd respondent instead of according permission for the proposed Ratha Yatra forwarded the letter to the 3rd respondent-Additional Commissioner of Police, Law & Order, Hyderabad. And, the 3rd respondent, by the orders, dated 18.03.2018, impugned in this writ petition, rejected the permission on assumption that the petitioners sought permission for conducting Ratha Yatra in Hyderabad alone. The respondents, in a biased manner, are causing hindrance to the harmonious religious activity of the petitioners. The permission was rejected without assigning any proper reason and in a monotonous and standard manner, obviously under the political pressures. The illogical, irrational and illegal manner in which the respondents are trying to scuttle the activities of the petitioner organisation would clearly affect the fundamental rights of the petitioners and the society at large. Hence, the writ petition is filed.

4. Though no counter is filed, learned Additional Advocate General strongly opposed the writ petition, *inter alia*, stating as follows: "The letter and the affidavit filed in support of the writ petition are bereft of necessary details. It is stated in the letter and the enclosed itinerary that the proposed Ratha Yatra, which starts from Basara, on 18.03.2018, would end at Hyderabad, on 31.03.2018, after covering 45 places in different villages/towns, which are in

different Districts of Telangana State. The Ratha Yatra's intent is stated as Construction of Bhavya Rama Mandira at Ayodhya. Though the proposed Ratha Yatra route covers several Districts, the District Officers concerned of the Districts are not impleaded. The ascertainment of the views of the local officers concerned and the assessment of the over all and place specific situation and emotional issues is necessary from the stand point of Law & Order and interests of minorities. It is stated by the petitioners that the Yatra is planned on the basis of location of prominent temples enroute. During festive days many local people and visitors from other places/villages/towns visit the prominent temples and there will generally be heavy rush. Some times the rush of devotees at the temples would be unmanageable. There is no basis for the proposed religious activity. Events related to similar instances of the past are suggestive that it is not advisable to allow the Ratha Yatra. Except itinerary no other papers are submitted. There are no details furnished as to how many persons will participate throughout the Yatra, that is, right from the inception and till the end and as to how many people will join at each place/village and temple. It is being stated that the attendance at each place/village/temple depends on the response. Ratha Yatra, being proposed to be organised with political manifestos by the petitioners, is intended to show strength and create scare in the minds of minorities. If permitted, it may encourage religious intolerance and unrest and would spoil the prevailing tranquil atmosphere in the State. The request is not with regard to a procession or a Yatra either that will be undertaken in the twin cities or at Hyderabad and a few nearby places; but, it is intended to cover many places/villages/towns and temples at such places; and, the journey will have to be necessarily undertaken via roads of towns & villages, high-ways, outer ring roads, National High Ways etcetera and

it is difficult to monitor the Yatra and super see peaceful conduct of the Yatra covering such vast area. The intelligence reports received by the respondents are not favourable to the petitioner. There is no vested right in the petitioners. Economic growth is taking place in the State at an encouraging pace and any untoward incidents are unwarranted at this hour of peaceful co-existence in the State and any social turmoil or mayhem is likely to affect the progress of the State and its citizens on all fronts. Hence, the well thought of and considered order is sustainable and the writ petition, which is devoid of merit, is liable for dismissal.'

5. Learned counsel for the petitioner in reply while stating that the order impugned and the submissions made by the learned Additional Advocate General on instructions are politically motivated further submitted as follows:

The petitioner organisation is a reputed National organisation with avowed objectives and the services it renders day to day and in times of National events and in times of disasters like unprecedented floods and earthquakes etcetera are well known. The petitioner Organization renders services without any reservations based on region, language, culture, caste, creed or community. It's activities and services are well recognised and need no dilatation. Its objectives are avowed and acknowledged. Since there is already lapse of time, the petitioners would confine the Yatra to fewer places/villages/towns and would start the Yatra on 23.03.2018 at Bhodhan or on 24.03.2018 at Sirivilla as stated in the later part of the itinerary and would complete it by 31.03.2018 at Hyderabad Tadbanda Hanuman Temple. The petitioner is prepared to furnish all necessary details as may be required including the number of persons and the route map etcetera and assures that

the organisers and the participants will maintain decency and decorum and hold the yatra peacefully without causing any inconvenience to any member of public. It is not uncommon for all the people of all religions to have processions once in a week during festive and other occasions. The request is not an exception to normal rule to be rejected for extraneous reasons and without any basis. The apprehensions are misplaced and the alleged intelligence report is false and is not based on true assessment and facts. The order impugned is biased and is unsustainable. The State with huge forces and power at its command can easily monitor the Ratha Yatra more particularly as the same is also intended for cultural awareness.

6. I have given earnest consideration to the facts and submissions.

7. Shorn of allegations traded, which are besides the point, in the first place it is to be noted that even the curtailed request for Ratha Yatra made at the hearing spans over (nearly) 25 places/villages/towns spread over many Mandals and Districts. The Police have their own apprehensions about likely disturbance of communal harmony in the City. The impugned order reflects that request was rejected keeping in view the prevailing Law & order situation, peace, tranquillity and public harmony. Be that as it may. Admittedly the proposed Ratha Yatra is not a regular or a periodical, customary or traditional or religious event. It is not a 'Temple Car Festival'. The Ratha Yatra, if permitted, will be undertaken from 23/24.03.2018 to 31.03.2018, that is, for a period of about one week and would conclude at Lord Hanuman Temple at Secunderabd according to the submissions made at the Bar. During the course of the Ratha Yatra, the Rath (vehicle) with accompanying vehicles, if any, and the persons walking along with the Rath have to pass through busy and

crowded roads in the villages and towns, and also high ways, bye-pass roads, outer ring roads; and, the Rath with such accompanying vehicles and persons has to cover several 100s of kilometres during its course of journey. As rightly pointed out, it is not advisable to direct the respondents, who are having other important works to do and duties to discharge, to monitor such an exercise by devoting their total attention and resources for such a long time. Monitoring such Yatra involves lot of planning, preparation, deputation of men and material and making arrangements to meet foreseeable and unforeseeable situations. The petitioners approached the authority concerned just a few days before the date of commencement of the proposed Ratha Yatra that too without furnishing in the letter, all the appropriate and necessary details & information. Had the request been confined to a day or two and a place or two, may be, it would have received some qualified consideration of the authority concerned; but, it is not so in the case on hand. It is complex to employ the required forces not only at various specified places but also enroute and keep constant watch over the participants of the Yatra for a week or so and take care of their and other people's welfare and maintain public order day and night continuously. It is also not disclosed as to whether the Yatra (journey from place to place) would continue even at nights or there would be night halts, and, if so, at what places/villages/towns.

8. Having thus analysed the pros & cons and the facts & circumstances, this Court holds that the petitioners failed to make out valid and sufficient grounds to grant the reliefs claimed and that the writ petition, which is without merit, is liable for dismissal.

9. In the result, the writ petition is dismissed.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. SEETHARAMA MURTI, J

22.03.2018

Vjl

