

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

Writ Appeal No. 521 of 2018

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

While the appellants herein had sought permission for a Rath Yatra across the State of Telangana from 18.3.2018 to 31.3.2018, and had made an application in this regard to the Director-General of Police, their request was rejected by the Additional Commissioner by his proceedings dated 18.3.2018; and, on the said order being subjected to challenge in W.P. No. 9293 of 2018, the learned Single Judge dismissed the Writ Petition by the order under appeal.

Sri N. Harinath, learned counsel for the appellant-writ petitioners, would submit that there was no justification for the officials concerned to reject such a request; and the learned Single Judge had also erred in upholding the order of rejection. According to the learned counsel, the material, based on which the concerned officials had recorded their satisfaction that permission should not be accorded in view of the delicate law and order situation in and around the twin cities, has not been disclosed by the officials concerned; and if the respondent-officials require a route map to be provided, the appellants are ready and willing to furnish the route details, and to abide by any such conditions which the authorities may impose for conducting a peaceful Rath Yatra.

On the other hand, the learned Additional-Advocate General, for the State of Telangana, would draw our attention to the order of the Supreme Court in **Destruction of Public and Private Properties, in Re vs. State of Andhra Pradesh and others**¹ wherein certain measures were required to be undertaken to ensure an incident-free demonstration or procession. The Justice Thomas Committee's

¹ [2009] 5 SCC 212

recommendations were taken note of and the following directions were issued by the Supreme Court:-

“To effectuate the modalities for preventive action and adding teeth to enquiry/investigation, the following guidelines are to be observed:

As soon as there is a demonstration organized:

(I) The organiser shall meet the police to review and revise the route to be taken and to lay down conditions for a peaceful march or protest;

(II) All weapons, including knives, lathis and the like shall be prohibited;

(III) An undertaking is to be provided by the organisers to ensure a peaceful march with marshals at each relevant junction;

(IV) The police and the State Government shall ensure videography of such protests to the maximum extent possible;

(V) The person-in-charge to supervise the demonstration shall be the SP (if the situation is confined to the district) and the highest police officer in the State, where the situation stretches beyond one district;

(VI) In the event that demonstrations turn violent, the officer-in-charge shall ensure that the events are videographed through private operators and also request such further information from the media and others on the incidents in question.

(VII) The police shall immediately inform the State Government with reports on the events, including damage, if any, caused by the police; and

(VIII) The State Government shall prepare a report on the police reports and other information that may be available to it and shall file a petition including its report in the High Court or the Supreme Court as the case may be for the Court in question to take suo motu action.”

Learned Additional Advocate General would submit that the appellants have not even furnished a road map of the route through

which the Rath Yatra procession would be taken; nor have they furnished sufficient details, to the officials concerned, to take a considered decision on whether or not the Rath Yatra, if permitted, would be undertaken peacefully and would be violent-free. He would place before us certain photographs of an incident which took place in Nirmal town of Nirmal District on 25.3.2018 wherein another organization is said to have indulged in vandalism resulting in injuries being caused to the police officials on duty.

Sri N. Harinath, learned counsel for the appellant-writ petitioners, would submit that, since the Rath Yatra is due to end on 31.3.2018 at Hyderabad, the appellants, at least, be permitted to make an application afresh, furnishing a detailed route map to the Commissioner of Police, Hyderabad requesting him to grant permission to take out the Rath Yatra procession in the City of Hyderabad; and that an application, in this regard, would be made today itself.

In case any such application is made today, the 4th respondent shall consider the said application, for the Rath Yatra procession to be taken out in the City of Hyderabad on 31.3.2018, take an appropriate decision thereupon in accordance with law, and communicate his decision to the appellant-writ petitioners on or before 30.3.2018.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

29th March, 2018
 Note:
 Furnish c.c. today.
 b/o Pnb

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Date:29.3.2018

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