

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.26282 OF 2018

O R D E R

This writ petition is filed for the following relief:

“To issue an appropriate writ, order or direction more particularly in the nature of Mandamus declaring the action of respondents in not permitting the petitioner – Union for the peaceful meeting for 1 to 1 ½ hours for inauguration and flag hoisting on 16.07.2018 and 20.07.2018, outside the main gate of the 4th respondent establishment at Gachibowli, Hyderabad, as illegal and violative of fundamental rights guaranteed under Article 19 of the Constitution of India and consequently direct the respondents to issue necessary permission for the peaceful inauguration meeting and union flag hoisting on 30.07.2018 or any other working day inside or outside of the main gate of the 4th respondent establishment, and pass such other orders as may be deemed fit and proper in the circumstances of the case.”

Learned counsel for the petitioner submits that forming association is a fundamental right and the contract workers of the Indian Immunological Ltd., formed an association for their welfare and as they intended to hoist the trade union flag and conduct peaceful meeting outside the premises of 4th respondent, approached the 3rd respondent – Station House Officer, Gachibowli Police Station, Gachibowli, Hyderabad with a representation, but no permission has been granted and this amounts to violation of fundamental rights guaranteed under the constitution.

Shri Vedula Sinivas, learned counsel appearing for the 4th respondent submits that petitioner – union is trying to erect a flag pole next to the main gate of the factory, which is opposite to Gachibowli stadium and that as per G.O.Ms.No.18 dated 18.02.2013, any structures on public roads, pavements, sideways and other public utility places are prohibited. The members of the petitioner – union are not the employees of the 4th respondent and hence they cannot be permitted to erect flag pole and hoist flag, at the factory premises. Learned counsel contended

that no fundamental rights of the members of the petitioner – union, are violated and hence sought to dismiss the writ petition.

Learned Assistant Government Pleader for Home produced written instructions of the 3rd respondent stating that as the place chosen for flag hoisting is very close to the main road, petitioner was advised to approach the Greater Hyderabad Municipal Corporation (GHMC) Authorities for permission. It is stated that as the place where the flag hoisting was planned, is very close to the old Mumbai Highway, this respondent made formal bandhobust arrangement on 20.07.2018 at Indian Immunology main gate, where number of people gathered, to prevent any untoward incident, but not to prevent the legal rights of the petitioner.

As per the submission of the learned counsel for the 4th respondent, petitioners are not the employees of the 4th respondent. Further, as per the written instructions of the 3rd respondent, the place, where the petitioner – union sought to erect pole and hoist trade union flag, is very close to the main road. Therefore, erecting flag pole, at this place, may lead to traffic obstruction and the same is prohibited under G.O.Ms.No.18 dated 18.02.2013. In these circumstances, the petitioner has not made out any case for interference of this court under Article 226 of the Constitution of India and the writ petition is accordingly dismissed.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:30—07—2018
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