

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

W.P. No.1657 of 2020

ORDER:

This writ petition is filed seeking to declare the action of the respondents in issuing the order dated 25.01.2020 in Lr.No.ACP/AN/Division/Hyd/2020, whereby the permission granted on 23/01/2020 for holding programme has been rejected, as illegal and arbitrary and with consequential direction to the respondents not to interfere in the Republic Day Celebrations programme scheduled to be held on 26.01.2020 at Crystal Garden Function Hall, Pillar No.86, Attapur Road, Hyderabad.

The case of the petitioners is that, the petitioner made a representation to the 3rd respondent through 5th respondent, Inspector of Police, Tappachabutra, on which, after consulting with the higher authorities, the 4th respondent granted permission to the petitioner to hold the program in connection with Republic day celebrations on 26th January, 2020 between 3.00 PM to 6.00 PM, with certain conditions that are to be adhered as stipulated in such permission granted viz., time of holding of the program; there should not be any law and order issues; they should restrict to mentioned speakers only; they should depute sufficient number of volunteers for parking and other areas; and no DJ is allowed.

While the things stood thus, the 4th respondent, Assistant Commissioner of Police, Asifnagar Division, issued impugned letter dated 25.01.2020 rejecting the permission already granted by the 5th respondent on the ground that - *“there is reliable information that other speakers are attending the said programme whose names*

were not mentioned in the list furnished by you. If other speakers are invited to participate in the said meeting with a huge gathering, there is likelihood of law and order problem which would disturb the peace and tranquility in Hyderabad City; Huge turnout for the programme will be throwing the traffic out gear within the vicinity of Crystal Garden and there is likelihood of miscreants joining the meeting, due to which law and order problems may arise.” Assailing the said impugned order, petitioners filed present petition by moving a house motion.

Heard the learned counsel Sri Mir Masood Khan appearing for the petitioners and the learned Government Pleader for Home Sri T.Srikanth Reddy appearing for the respondents and perused the material placed on record.

The learned counsel for the petitioners, while drawing the attention of this Court, *firstly*, would submit that the list of speakers given thereat would only address at the program and no other person, from and out of the list to the speakers' given, will be giving speeches at the celebration program. *Secondly*, number of participants would be between 500 to 700 and the petitioners are not resorting to mobilization of any public and it is only the members of the petitioners' Front who would be joining the said celebration and *lastly*, there is no chance of any miscreants joining in the said celebration and it is only the assumption of the respondents that law and order problems would arise. He further submitted that rejection of permission already granted to celebrate the Republic Day is clearly in violation of Article 19(1)(b) of the Constitution of India and the reasons mentioned in the impugned

order to reject permission are all baseless, incorrect and unfounded. Hence, the respondents may be directed to accord permission by imposing any such conditions on the petitioners that would be adhered by them.

On the other hand, while opposing the submissions made by the learned counsel for the petitioners, the learned Government Pleader would sought to submit that in view of the programme that is sought to be conducted as given by the petitioners along with the application seeking to accord permission, no mention with regard to flag hoisting has been made and the submission of the petitioner to the contrary in the writ petition cannot be considered. Further, the learned Government Pleader would submit that, though the nomenclature given in the application seeking permission, it is mentioned as Republic Day Celebrations, but the annexure titled "Planning to conduct programme" is the list of programmes that are sought to be held, mentions as speeches, drama and songs. The Learned Government Pleader, by drawing attention of this Court to the list of speakers given by the petitioner to the respondent authorities while seeking permission, mentioned the name of one speaker at such program at Sl.No.11 as C.Shekar, Dalit leader, but did not disclose his full name as 'Chandra Shekhar Azad' alias Ravan against whom any number of cases are pending including one under the National Security Act and moreover he is on bail at present in connection with alleged incitement of violence on 21.12.2019 in Delhi in connection with protest against CAA, NCR and NPR.

The learned Government Pleader also submits that on the basis of inputs received from the Intelligence Bureau authorities, the respondent authorities have come to know that the petitioner by not disclosing the full name and details of the person mentioned in the list of speakers at Sl.No.11, sought to mislead the authorities for according permission. The Learned Government Pleader also submitted that contrary to the claim of the petitioner that the said program would be attended by the petitioner's society members only, on the other and are carrying on campaigning in the name of the petitioner's Front through social media to mobilize the people to attend the said meeting by showing "Celebrating Republic Day with Bheem Army's Chandra Shekhar Azad" on 26.01.2020 between 2:30 – 6:30 pm., by All India Dalit Muslim Adivasi Progressive Front (AIDMAPF). Eventually, he submitted that based on the inputs received from the Intelligence Bureau, the application of the petitioners to accord permission for conducting the programme titled Republic Day Celebration on 26.01.2020 was rejected vide impugned order taking into consideration the inputs received from the Intelligence Bureau, likely hood of breach in law and order situation arising and safety of public at large.

The main grievance of the petitioners is that though initially the 5th respondent accorded permission for celebrating the Republic Day, but later the 4th respondent issued impugned order rejecting the permission to the petitioners. Taking into consideration the submissions made by the learned counsel on either side, it is to be seen that Article 19(1)(a) & (b) of the Constitution of India guarantees a citizen freedom of speech and expression and right to assemble peaceably, the said right is not

an absolute right, but is subject to restrictions as provided under Article 19(2) and 19(3) of Constitution of India.

At this juncture, it is pertinent to refer the decision of the Hon'ble Apex Court in **STATE OF KARNATAKA Vs. Dr. PRAVEEN BHAI THOGADIA**¹ wherein the Hon'ble Apex Court while dealing with the right guaranteed under Article 19(1) of the Constitution and the limitations placed under Article 19(2) and (3) of the Constitution of India in relation to such freedom, particularly when restriction is sought to be imposed for maintaining public order observed that –

“the Courts should not normally interfere with matters relating to law and order which are primarily within the domain of administrative authorities, as they are, by and large, the best placed to assess and handle the situation depending upon the peculiar needs and necessities within their special knowledge.”

Further, this Court in the case of **TELANGANA DEMOCRATIC FORUM Vs. STATE OF TELANGANA AND OTHERS**² observed as under:

“Unless the order passed is patently illegal and without jurisdiction or with ulterior motives and on extraneous considerations of political victimization by those in power, normally, interfere should be the exception and not the rule as the Court cannot in such matters substitute its view for that of the competent authority.”

¹ 2004 (4) SCC 684

² MANU/AP04532016

Having given due consideration to the submissions made by the learned counsel on either side and considering the settled legal position as noted above, it is to be seen that the petitioners' Front approached the 4th respondent seeking permission by not mentioning anything relating to Flag hoisting as indicated in the programme. The submission of the learned counsel for the petitioners that the petitioners would undertake Flag hoisting and thereafter the speakers would address the gathering on the face of it cannot be accepted.

Further, it is also to be seen that the petitioners while seeking permission for the above said celebration did not disclose the full name and details of the speakers thereat. This is for the reason that, against the name of speaker mentioned at Sl.No.11, the petitioner only mentioned the name as C.Shekar, Dalit Leader, however, did not mention neither the full name nor the credentials of the said speaker as being advertised by them in the social media.

Further, this Court also cannot ignore to take note of the publicity as being carried out in the social media in the name of the petitioners' Front by mentioning as "Celebrating Republic Day with Bheem Army's Chandra Shekhar Azad", who is on bail as noted herein above, which would go to show that the petitioners' Front not only confining the programme to its members as claimed by them but is seeking to mobilize the people for such meeting.

Having regard to the well settled legal position discussed herein above in *State of Karnataka Vs. Dr.Praveen Bhai Thogadia (Supra)* and in *Telangana Democratic Forum Vs. State of Telangana*

and others (Supra) and considering the fact that the respondents' authorities by taking inputs of the Intelligence Bureau into consideration with regard to the law and order situation, the impugned order of rejection the application of the petitioner seeking permission, by the 4th respondent authority cannot be found fault with and no interference is called for.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

Date: 26.01.2020
LSK

JUSTICE T.VINOD KUMAR

