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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3798 OF 2025

Communist Party Of India (Marxist)
Through Shailendra Kamble And Ors. .. Petitioners

Versus

State Of Maharashtra And Ors. .. Respondents

Mr. Mihir Desai, Senior Advocate i/b. Ms. Rishika Agarwal, for the
Petitioners.

Mr. S. V. Gavand, Addl. P.P. for the Respondents .

CORAM: RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE: 25th JULY, 2025

P. C.

1. The Petitioner has put forth prayer clauses (a) to (g), as under :-

(a) That this Hon'ble Court issue a Writ of Mandamus, or any other Writ/ Order or Direction in the nature of Mandamus directing the Respondent No.3 to allow the Petitioners to hold the peaceful protest and demonstration at Azad Maidan, as requested by them as per application dated 25.06.2025, annexed at Exhibit F of the present Petition, or

as per any subsequent request made by the Petitioners for a future protest;

(b) That this Hon'ble Court issue a Writ of Mandamus, or any other Writ/ Order or Direction in the nature of Mandamus, directing the Respondent Nos.1-3, to follow the due procedure, and not to reject protest permissions for the reasons set out in their letter to the Petitioners dated 17.06.2025, at Exhibit B of the present Petition;

(c) That this Hon'ble Court issue a Writ of Certiorari, or any other Writ/ Order or Direction in the nature of Certiorari quashing and setting aside the order dated 17.06.2025 of the Respondent No.3 rejecting the erstwhile application of the Petitioners annexed at Exhibit B of the present Petition;

(d) That pending the final hearing and disposal of the present Petition, direct the Respondent No.3 to allow the Petitioners to hold the peaceful protest and demonstration at Azad Maidan on 18.07.2025, as per the application submitted by the Petitioners on 25.06.2025 at Exhibit of the present Petition;

(e) For interim and ad-interim prayers as per prayer clause (c) of the present Petition;

(f) For costs of this Petition;

(g) To pass any such further order or direction as this Hon'ble may deem fit and proper.

2. The submissions of the learned Senior Advocate, at the outset, are concentrated against the rejection of an Application dated 9th June, 2025 vide the order dated 17th June, 2025. The said Application had been tendered to the

Senior Police Inspector of N.M. Joshi Marg Police Station, Lower Parel, Mumbai by '**All India Peace & Solidarity Organisation**' (AIPSO). The concerned Police Officer has assigned reasons for rejecting the said Application.

3. We find that when an Organisation has filed an Application on it's letter-head for seeking permission to hold a protest meeting against the alleged genocide in Gaza-Palestine, the said Organisation has to pass a resolution by majority. Only two out of the 10 office bearers, have signed the said Application. Eight office bearers have not signed. This is undisputed. So also, the said Organisation has not filed this Petition. When the Application has been filed by an Organisation, the aggrieved party will be that Organisation which has to challenge the rejection order.

4. In this Petition, Petitioner No.1 is the '**Communist Party of India (Marxist)**', a renowned and respected Political party, that was founded on 7th November, 1964. Petitioner No.2 is the '**Communist Party of India**', which was founded on 26th December, 1925 in the Kanpur (Cawnpore) conference. Petitioner Nos.3 and 4, claim to be Members of Petitioner No.1 and Petitioner No.2, political parties.

5. The Application of AIPSO has been rejected by an order dated 17th June, 2025 passed by the Senior Police Inspector, Azad Maidan Police Station. AIPSO has not assailed the order dated 17th June, 2025 passed on their Application. Hence, prayer clauses (b) and (c), cannot be entertained at the behest of these Petitioners.

6. Even otherwise, the learned APP has vehemently contended that the issue of the strife in the Gaza Israel area was raised in the Lok Sabha. Question No.3200 (Unstarred Question No.3200) and the answer offered on 13th December, 2024 in the Lok Sabha, indicates India's stance on the Palestine issue.

7. The learned Senior Advocate for the Petitioners submits that after this Petition was filed on 10th July, 2025, one more Application dated 19th July, 2025 has been filed by Petitioner No.1 and signed by Petitioner No.3, praying for permission for holding a protest meeting, any time in between 1st August, 2025 to 8th August, 2025. The said Application is still pending.

8. In view of the above, we observe that if such an Application is pending before any Authority, the said Authority would decide the Application on its own merits. We also observe that any such Application filed by any organisation, seeking permission to hold a protest meeting/rally, etc., should be decided at least three days prior to the scheduled meeting/protest, etc. and the same be communicated to the Applicant Organisation.

9. In view of the above, **this Petition is disposed off.**

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]