

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20010 of 2004

Between:

Pulichinthala Project Vyathireka Porata Committee, Rep. by T.

Hanumanulu,

S/o. Hanumanulu, Aged 58 Years, Boiguda, Secunderabad.

... PETITIONER

AND

- 1 The State of Andhra Pradesh, Rep. by its Secretary, Home Department, Secretariat, Hyderabad.
- 2 The Superintendent of Police, Nalgonda, Nalgonda District, A.P.,
- 3 The Sub-Divisional Police Officer, Nalgonda, Nalgonda District, A.P.,

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction, particularly one in the nature of Writ of MANDAMUS, declaring the proceedings No.30/MIKE/SDPO-N/2004/dt.29-10-2004 issued by the third respondent herein as unjust, arbitrary and illegal after calling for the records.

Counsel for the Petitioner: MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondents: Special G.P. for Advocate General

The Court, at the admission stage, made the following:

THE HON'BLE MR. JUSTICE A. GOPAL REDDY

WRIT PETITION NO.20010 OF 2004

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ORDER:

Heard the learned counsel for petitioner and also the Special Government Pleader appearing on behalf of the learned Advocate General.

2. The application of the petitioner-Committee dated 25-10-2004 for taking out procession and congregating at N.G. College Grounds, Nalgonda on 30-10-2004 at 4.00. P.M., to protest the construction of Pulichintala Project, was rejected by the Sub-Divisional Police Officer, Nalgonda, vide Proc.30/Mike/SDPO-N/2004 on 29-10-2004 on various grounds. The sum and substance for rejection of the same is that the pamphlet issued in connection with the meeting is provocative and there is likelihood of violence, which will lead to Law and Order problem; in view of the prohibitory order issued under Section 30 of Police Act, 1861 to maintain public peace and tranquility (for short 'the Act'), the request cannot be considered. Only on issuance of prohibitory order under Section 30 of the Act, persons who are conducting the procession and meeting have to apply for license and such license can be granted defining the conditions on which such assembly or procession is to be permitted. As per the application made the procession will take place from 2.00 P.M., to 4.00 P.M., and thereafter they will congregate into a meeting in the college grounds. In view of the same, it is not necessary to grant permission for taking out procession, but the people who have already reached the meeting place may be regulated by the Police to

see that the people will not carry any weapons and other ammunition with them, which may lead to Law and Order problem, if any violence erupts due to the provocative speech, if any.

3. The organizers shall ensure that persons who have assembled in the college grounds have to disperse before 6.00 P.M. on 30-10-2004 and cultural activities of any sort before or after the meeting cannot be permitted and on conclusion of the meeting, people who have not left the place, it is open to the Police announcing to disperse before 6.00 P.M today, and can take all steps to disperse the people assembled after 6.00 P.M., if the meeting continues beyond 6.00 P.M. The people gathered in the meeting can only express their dissent for such construction of the project, without there being any provocative speeches, which will have the effect of public peace and tranquility.

With the above directions, the writ petition is disposed of. No costs.

A.

GOPAL REDDY, J

October 30, 2004

Note: Communicate copy by wire

at partys' costs.

(B/o)

MRR

TO:

- 1 The Secretary, Home Department, State of Andhra Pradesh, Secretariat, Hyderabad.
- 2 The Superintendent of Police, Nalgonda, Nalgonda District, A.P.,
- 3 The Sub-Divisional Police Officer, Nalgonda, Nalgonda District, A.P.,
- 4 Two C.C. s to the Spl.G.P. for Advocate General, High Court Buildings, Hyderabad (OUT).
- 5 Two C.D. Copies

