

HIGH COURT OF ANDHRA PRADESH**Bench: Justice Subba Reddy Satti****Date of Decision: 30th May 2024**

WRIT PETITION NO: 12157/2024

**VISHVA HINDU PARISHAD, VIJAYAWADA MAHANAGAR DIVISION, REP.
BY ITS SECRETARY, KROVI RAMAKRISHNA ...PETITIONER****VERSUS****THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY (HOME) & ORS. ...RESPONDENT(S)****Legislation:**

Article 226 of the Constitution of India

Section 30 of the Police Act, 1861

Section 144 of the Cr.P.C.

Subject: Writ petition challenging the rejection of permission to conduct the 'Hanuman Jayanthi Shobhayatra' by the 5th respondent and seeking directions to allow the procession under specified conditions.**Headnotes:**

Constitutional Law – Article 226 – Writ of Mandamus – Petition filed under Article 226 seeking issuance of a writ of Mandamus directing the respondents to permit the conduct of 'Hanuman Jayanthi Shobhayatra' on 01.06.2024, challenging the rejection by the 5th respondent on grounds of lack of authority and arbitrariness – Court held that the Inspector of Police, Satyanarayanapuram Circle, was not the competent authority to reject the permission – The rejection order was set aside and directions were issued to allow the procession with specific conditions to ensure public order and safety. [Paras 1-7]

Administrative Law – Competence of Authority – Validity of Orders – Held – The 5th respondent, Inspector of Police, lacked the authority to reject the permission for the Shobhayatra – Such orders must be passed by the competent authority as per established protocols – Rejection order declared illegal and arbitrary. [Para 5]

Public Order – Conduct of Religious Processions – Held – While public authorities have the duty to maintain public order, they must ensure that statutory rights to conduct religious processions are not unduly curtailed –

Directions issued for imposing necessary conditions to balance public order and the right to procession. [Para 6]

Decision – The writ petition was disposed of with directions to allow the Hanuman Jayanthi Shobhayatra on 01.06.2024 under stipulated conditions – The court provided a comprehensive list of conditions to ensure public order, safety, and adherence to the Model Code of Conduct due to the prevailing election period. [Para 7]

Referred Cases:

- Commissioner of Police v. C. Anita, (2004) 7 SCC 467
- S. Rangarajan v. P. Jagjivan Ram, (1989) 2 SCC 574
- Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217

Representing Advocates:

J.V. Phaniduth for the Petitioner

Government Pleader for Home for the Respondents

ORDER

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondent Nos.1 to 5.

2. This writ petition is filed assailing the order passed by 5th respondent dated 25.02.2024, rejecting permission to conduct Hanuman Jayanthi (Hanuman Sobha Yatra) with bike rally on 01.06.2024 at about 4.p.m., with Seven Hundred Bikes near Rama Koti Temple, Sarada College, as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that the Inspector of Police Satyanarayanapuram Circle, is not competent authority to pass such order. He also submits that every year on the eve of Hunuman Jayanthi the petitioner is conducting Hanuman Sobha Yatra. He also submits that, in fact, a representation dated 22-5-2024 was made to the respondent No.3/The District Collector. The District Collector, in-turn, addressed a letter to the Commissioner of Police/4th respondent on 24.05.2024. He further submits that Additional Commissioner of Police, Law and Order, Hyderabad City granted permission with certain conditions. The petitioner will conduct Sobha Yatra and will abide by the conditions imposed by the 4th respondent.

4. Learned Government Pleader for Home would submit that in view of the Modal Code of Conduct, Section 144 Cr.P.C. and also Section 30 of the A.P. Police Act is in force, the permission was rejected. He would fairly submit

that the Inspector of Police is not competent to pass such an order. He also would submit that every year permission to conduct Sobha Yatra is being granted. However, this year, in view of the prevailing situation, conducting Sobha Yatra is denied.

5. Thus, as seen from the material available on record, there is a dispute regarding conducting Sobha Yatra on the eve of Hanuman Jayanthi every year. In fact, the learned District Collector addressed a letter, dated 24.05.2024, to learned Commissioner of Police, Vijayawada City pursuant to the representation made by the petitioner seeking permission. The only apprehension of the Police is that in view of post poll scenario, conducting Sobha Yatra is not advisable.

As fairly submitted by learned Government Pleader Home, the Inspector of Police is not competent authority to pass an order rejecting permission, the order impugned is liable to be set aside. Accordingly, the same is set aside. Considering the facts and circumstances, this court deems it appropriate to dispose of the writ petition directing the authorities to impose certain conditions to conduct Sobha Yatra on the day fixed. The respondent authorities shall put necessary conditions for smooth conducting of Sobha Yatra. The Petitioner and other participants shall abide by the conditions.

Some of the conditions suggested are:

1. ***There shall not be any MCC (Model Code of Conduct) violation during the event In view of the General Elections 2024.***
2. *The total height of the vehicle carrying idols should not be more than 10.5 feet maximum.*
3. *Motor Cycles in the rally should not be driven in a rash and negligent manner. Motor cycle drivers must follow all the rules and regulations of Motor vehicles Act and traffic department.*
4. *No inconvenience should be caused to the general public and also no obstructions should be caused to free flow of traffic.*
5. *Organizers should ensure that, the procession is kept on the extreme left on the road and the other half of the road should remain free for regular traffic movement.*
6. *They should not create Traffic Problems or Traffic Congestions.*
7. *Organizers will arrange C.C. Surveillance Cameras with recording facility and power backup at all the entry and exists points of gathering place. It should have the facility to monitor the cameras at one of the place. Cameras will also be installed by organizers with recording facility at all the entry and exist to the parking places. This is required as per the Rules under T.S. Public Safety (Measures) Enforcement Act 2013. Cameras will be installed with recording facility at all the sectors where gathering will be more than 100.*

8. *They should not deviate from the permitted route.*
9. *They should not halt in the middle of the road.*
10. *They should not use **DJ, Mobile Mikes and Loud Speakers enroute the Procession.***
11. *Bursting of Fire Crackers is prohibited during the procession.*
12. *Vermillion, Kumkum or Gulal, colors, flowers or other objects shall not be thrown on the passers-by under any circumstances.*
13. *No person in the procession shall carry any sticks/swords/knives, fire arms. Inflammable material or any other weapons of offence. **Sticks used for carrying flags or decorations should not be more than (2) feet in length and should be of split bamboos.***
14. *No provocative banners/placards hurting the sentiments of other persons, community or religion shall be erected or displayed in the Procession.*
15. *Organizers are requested to ensure that no provocative speech, slogans. Songs hurting the sentiments of the others to be given / played during the Procession.*
16. *No person under the influence of alcohol or any other narcotic drugs shall be allowed in the vehicle carrying in this religious procession.*
17. *Organizers are requested to provide good volunteers on all four sides of the Procession i.e., front, rear & both sides (left & right sides) to ensure smooth conduct of the procession.*
18. *They should not park vehicles on the Public roads any where during the rally.*
19. *Arrange volunteers at parking area for smooth conduct of the same to avoid any untoward incident at parking area.*
20. **The timings stipulated should be adhered to by the organizers.**
21. **Organizer shall not use any Flying Camera or Drone or Hot air balloon which is a hazard for public safety in a crowded area.**
22. *Instruction given by the Police Officers from time to time shall be strictly complied with.*
23. *Organizers should comply with directions given, time to time, by the any Police Officer on duty and cooperate with them in maintenance of L&O and regulating the traffic.*

Organizers are hereby informed that, if there is any sort of disturbance to Law & Order, public peace and communal harmony or Damage of life or private/Public property, anywhere in the city, they shall be squarely responsible for the same and deal with severally, in accordance of Law they are further informed that any person violating the above orders shall be liable for prosecution as per the law.

6. It is further directed that the petitioner shall not use DJ sets except hand mikes to control the members in the procession. The petitioner shall

also cooperate with the Police Officials in respect of route map. The petitioner shall also ensure that in view of the prevailing situations, not to include too many members except more than 550 people.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

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