

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

Writ Petition No.8838 of 2022

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner before this court has sought permission for conducting 'padayatra' to meet the Hon'ble Chief Minister of Andhra Pradesh. The application filed by the petitioner before the Superintendent of Police, West Godavari District, Eluru was rejected on four (4) grounds. Questioning the said rejection order, the writ petition has been filed.

Learned counsel for the petitioner submits that upon the four (4) grounds, ground No.1 pertaining to the COVID – 19 is no longer relevant. With regard to route map and details, the petitioner had submitted certain details to the respondent-police, but they are not acting on the same. Lastly, he submits that prior permission being obtained from the Hon'ble Chief Minister's Officer is stated to be necessary to meet the Hon'ble Chief Minister to conduct padayatra. He submits that the same cannot be used as a ground to deny the right of the petitioner to take out a padayatra. He urges that the right to peacefully protest and carry out the padayatra is a fundamental right given to the petitioner, which cannot be unreasonably denied.

In response to this, learned Government Pleader for Home argues that there are high security risks involved and that the police carefully verify and vet the antecedents of people who wish to meet a dignitary like the Chief Minister. It is submitted that the petitioner did not furnish any details about the eleven (11) persons, who will accompany him on the padayatra. He did not submit any identification particulars also. Therefore, it is stated very categorically that as clear details are not furnished, the permission was refused. It is also urged that even before the representation referred to in the writ petition is received by the respondents, the writ petition is filed. Therefore, the respondents urged that there is no mistake in the order and that the reasons raised by the police are valid and germane.

Considering the submissions made, this Court has to agree the reason No.1 (COVID-19) is no longer a valid ground for rejecting the permission. The petitioner also agrees to furnish a route map and also the clear and categorical details of the participant along with Aadhar card and other documents of the identity of the people, who are going to accompany the petitioner. The learned counsel for the petitioner also that all the people, who are accompanying the petitioner, are law abiding citizens.

As far as the permission from the Chief Minister's Office is concerned, this is not a matter on which this Court can pronounce any order or give a direction.

If the petitioner submits a representation immediately with all the requisite data and details, the respondent-police are directed to consider the same objectively and pass an order immediately on merits.

With this observation, the writ petition is allowed. No costs.

As a sequel, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 13.04.2022
Note: CC today
AG

D.V.S.S.SOMAYAJULU,J

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

Writ Petition No.8838 of 2022

DATE: 13.04.2022

AG