

Rival Groups Shall Not Be Permitted To Meet In Proximity Of Amaravati Maha Padayatra Against Three Capitals: High Court To State

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

R. RAGHUNANDAN RAO; J.

W.P. No. 34412 of 2022; 21.10.2022

Amaravati Parirakshana Samiti *versus* State of Andhra Pradesh

ORDER

The 1st petitioner-trust herein, along with a member of the 1st petitioner, had sought to conduct a Maha Padayatra from Amaravati to Arasavilli for the purpose of expressing their protest against the proposed establishment of three capitals in the State of Andhra Pradesh, in Anakapalli, Kurnool and Visakhapatnam. For the purpose of conducting this Padayatra, the 1st petitioner had applied for permission to the 2nd respondent. As the said application was not being considered, the 1st petitioner, along with one of its members, had approached this Court by filing W.P.No.28377 of 2022. While the writ petition was pending, the 2nd respondent had passed orders rejecting the application of the petitioner and the same was also challenged in the same writ petition by way of an amendment.

2. A learned Single Judge of this Court allowed the said writ petition by an order dated 09.09.2022. The learned single Judge, while allowing the writ petition, directed the 2nd respondent to grant permission the 1st petitioner to conduct Padayatra subject to certain conditions set out in the order.

3. The conditions set out in the order are as follows:

- i. The 1st petitioner-trust is permitted to take out the procession only with 600 people, who shall be the farmers.
- ii. The names and details of these 600 persons are to be furnished to the 2nd respondent.
- iii. The procession shall be carried out peacefully without violence, without usage of abusive language or comments against the authorities, who are at the helm of affairs of the State.
- iv. The 1st petitioner shall not allow any other person to participate in the procession on their way to Amaravati to Arasavilli.
- v. However, other persons shall be at liberty to express their solidarity to the farmers in a peaceful manner.
- vi. The 2nd respondent to grant permission to the 1st petitioner to conduct Padayatra, as per the route map and the schedule submitted by the 1st petitioner, imposing reasonable restrictions and conditions.
- vii. The 1st petitioner would also be permitted to exhibit Sri Venkateswara Swamy idol in front of the procession and also be allowed to carry on the vehicle, L.E.D. screen and the bio-toilets for the use of the participants of the procession.
- viii. The 1st petitioner-trust would be permitted to use hand mike sets during their procession but should not hold any public meetings on their way to Amaravati to Arasavilli.

4. Pursuant to the directions of this Court, the 2nd respondent granted permission to the 1st petitioner to conduct Padayatra by an order dated 09.09.2022. The said order, places further restrictions including prohibition of use of DJ sound system or DJ groups. The permission is granted to only those vehicles, which are carrying the idol of Lord Venkateswara; Bio-toilets; Ambulance and refreshments. A further condition was imposed that the organizers shall take precautions to ensure that the participants will not confront people of cross-sections opposing their cause or use offensive/provocative language against any person, officials or authorities.

5. Subsequently, the order dated 09.09.2022 was modified on 11.09.2022. However, the said modifications are not germane to the present lis.

6. It is submitted that the Padayatra commenced on 12.09.2022.

7. The 1st petitioner along with 2 other persons, has now filed the present writ petition. The petitioners submit that the present writ petition came to be filed on account of certain developments, which have taken place after the Padayatra commenced. The further developments pointed out by the petitioners and the apprehensions raised by the petitioners are as follows:

a) Unofficial respondents 18 to 34, who are said to be the members of the ruling party, started opposing Padayatra.

b) Certain leaders and politicians are indulging in vilification against Padayatra by the petitioners by indulging in hate speeches.

c) The hate speeches and vilification mentioned above are amounting to commission of criminal acts.

d) Certain provocative posters have also been posted near a town stating that any person wanting one capital, will get their heads chopped off.

e) A Minister in West Godavari District had confronted the Padayatra along with his supporters and had also erected provocative posters and banners on the route to the Padayatra and provoked the participants of Padayatra by abusing them in filthy language during which the official respondents remained mute spectators.

f) The unofficial respondents 18 to 34 have set up an organization styled as Uttarandhra Parirakshana Samiti and conducted various round table conferences and also conducted a public meeting in Visakhapatnam city by name "Visakha Garjana".

g) The petitioners apprehend, on reliable information, that unofficial respondents 18 to 34 and their accomplices have planned and conceived a conspiracy for infiltrating anti social elements as participants of the Padayatra and to indulge in criminal activities to ensure that the Padayatra ends without reaching its destination.

h) The petitioners also plead that certain anti social elements from the States of Chattisgarh and Orissa are being hired by the unofficial respondents to participate in the Padayatra and that the official respondents are turning a nelson's eye to this activity.

i) On 19.10.2022, the participants of Padayatra were confronted in Rajahmundry city by a mob, which hurled dirty water bottles, kerosene and petrol bottles on the participants of Padayatra and also on the vehicle carrying the idol of Lord Venkateswara.

8. On the basis of the above allegations, the petitioners seek intervention of this Court for protection of their rights in terms of eight reliefs sought in the prayer in the writ petition.

9. Pending disposal of the writ petition, the petitioners also seek two interim reliefs, namely, a direction to the official respondents 1 to 17 not to allow the unofficial respondents to directly confront with the writ petitioners in Padayatra and for a direction to the official respondents not to allow unofficial respondents 18 to 34 or their men, from carrying, displaying or erecting the posters, banners and placards, containing abusive words against Padayatra.

10. Sri Unnam Muralidhar Rao, learned counsel representing Sri Unnam Sravan Kumar, learned counsel for the petitioners, submits that the action of the official respondents in taking a partisan role in the entire affair is affecting the rights of the participants of Padayatra including their rights under Articles 14, 19 and 21 of the Constitution of India. He would further submit that provocative acts are being carried on solely for the purpose of scuttling the Padayatra despite the fact that the participants of the Padayatra have been walking for the past 39 days in a peaceful and Gandhian manner and had expressing their dissent strictly in terms of the conditions laid down by the orders of this Court as well as the order of the 2nd respondent.

11. The 2nd respondent has filed a brief affidavit placing certain records before this Court.

12. The learned Advocate General appearing for the respondents, makes the following submissions.

1) The direction of this Court to restrict the number of participants to 600 has been blatantly violated and a huge number of people, running into thousands, are being permitted to participate in the Padayatra.

2) The language used by the participants of the Padayatra is clearly abusive and provocative.

3) The speeches being made by the participants in Padayatra and other persons, in the guise of expressing solidarity, are abusive and directed personally against certain persons at the helm of affairs in the State.

4) The restriction of allowing only four vehicles in the Padayatra, placed by the 2nd respondent, has been blatantly violated as scores of vehicles are part of the procession and some vehicles are sent ahead of the procession and some vehicles follow the procession.

5) The police authorities are finding it extremely difficult to comply with the directions of this Court, as huge number of people are being permitted to mingle and participate in the Padayatra and any step taken by the police to control such a situation would be portrayed by the petitioners as a violation of the directions of this Court.

13. The learned Advocate General would also submit that while the petitioners have a right to protest, the persons in opposition, to the view point of the petitioners, would also have an equal right of protest. He would submit that the participants of the Padayatra are seeking to go into the areas where the three capitals are sought to be established and protest against the establishment of said three capitals. He submits that in such circumstances, the rights of those persons in that area to protest against the views of the participants of Padayatra cannot be scuttled or closed.

14. Learned Advocate General further submits that the petitioners are essentially asking this Court to allow them to express their views in any manner acceptable to them and to ensure that no person who is in opposition to those views, is permitted to express his/her

views. He submits that such a course of action would violate the fundamental rights of those persons, who oppose the views of the participants of the Padayatra.

15. The learned Advocate General also submits that there are a huge number of violations of the directions of this Court, due to which the permission granted for conduct of Padayatra, requires to be reviewed and that an application is being filed in W.P.No.28377 of 2022 for permission to make such review as there is a direction by this Court that any such review can be done only after permission is granted by this Court.

16. Sri Unnam Muralidhar Rao, learned counsel appearing for the petitioners submits that a reading of Paragraph 29 of the order of the learned Single Judge in W.P.No.28377 of 2022, permits other persons to join in the procession for expressing their solidarity. He submits that the definition of solidarity given in Collins COBUILD Advanced Learner's Dictionary clearly shows that the word solidarity would include the rights of supporters to march in solidarity with their leaders. He would also submit that the petitioners are not objecting to any expression of opposition to their views. However, the said expression should be in a peaceful way and not by direct physical confrontation with the participants of Padayatra.

17. Without going into the rival submissions made by both sides, this Court is of the view that the present controversy would have to be restricted to ensure that the orders of this Court, passed in W.P.No.28377 of 2022, are complied with, pending consideration of the application proposed to be filed before this Court.

18. In that view of the matter, this Court, passes the following directions, to ensure that the directions of this Court in W.P.No.28377 of 2022 are complied with and adhered to.

1. Paragraph 29 of the order of this Court in W.P.No.28377 of 2022 has to be understood to mean that the procession of the Padayatra cannot consist of more than 600 persons whose details have already been furnished to the 2nd respondent.

2. Any person seeking to express solidarity, as permitted by this Court, would have to express such solidarity only from the side lines and not by joining the procession.

3. The official respondents shall ensure that the procession shall not have any persons except the persons whose details have been given to the 2nd respondent.

4. This direction would also take care of the apprehension of the petitioners, that anti social elements would infiltrate into their Padayatra hands and cause law and order problem.

5. The official respondents while granting any permission to any group expressing a rival opinion, shall ensure that the said procession or meeting of such rival groups shall not be in the proximity of the procession of the Padayatra,, as per the route map approved by the 2nd respondent.

6. The question of what would be "proximity" is left to the discretion of the authority on the ground. However, this discretion will not mean that rival groups will be allowed to physically confront each other.

7. Both, the petitioners, as well as the official respondents, shall ensure that not more than four vehicles are allowed as part of the Padayatra.

Post on 27.10.2022.