

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWELFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
AND
THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR
W.P.(P.I.L)NO: 5 OF 2023



Between:

Kaka Ramakrishna, Aged about 67 years, Secretary, Communist Party of India, A.P S/o K. Peravalaiah, R/o A4, Koushik Aaditya Apartments, 1st Floor, Municipal Park, Tadepalli, Guntur District- 522501. Aadhar Card No.4348 3347 5697, Mobile No 9440045688, Bank Account No.020110100011906, Andhra Bank, Himayatnagar Branch, Hyderabad.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Home Department, A.P Secretariat, Velagapudi, Guntur District, Andhra Pradesh
2. The Director General of Police, State of Andhra Pradesh, Mangalagiri, Amaravati, Andhra Pradesh.

Respondents

Petition under Article 226 of the Constitution of India is filed 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 more particular in the nature of "Writ of Mandamus" declaring the action of the Respondents herein, more particularly the 1st Respondent herein in issuing G.O.Rt.No.1, Home (Legal.II) Department dated 02.01.2023 prohibiting/restricting the public meetings/assembly on roads and road sides/margins in the entire state of Andhra Pradesh as being illegal, arbitrary, unjust and violative of Articles 19(1)(a), 19(1)(b) of the Constitution of India and Consequently to set aside the impugned G.O.Rt.No.1 dated 02.01.2023 issued by the 1st Respondent.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to **suspend** the operation of G.O.Rt.No.1, Home (Legal.II) Department dated 02.01.2023 issued by the 1st Respondent, Pending disposal of WP(PIL) 5 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N Ashwani Kumar, learned counsel for the Petitioner, Sri S.Sri Ram, learned Advocate General for the Respondents, the Court made the following

ORDER

“Heard Sri N.Ashwani Kumar, learned counsel for the petitioner; Sri S.Sri Ram, learned Advocate General for the respondents and perused the record.

The main contention raised by the learned counsel for the petitioner in this Writ Petition is that G.O.Rt.No.01 Home (Legal.II) Department, dated 02.01.2023 issued by the 1st respondent prohibits conducting the public meetings in public roads is against to the procedure prescribed under Section 30 of the Police Act, 1861. Learned counsel submits that the conditions imposed in G.O.Rt.No.1 dated 02.01.2023 are in violation of Article 19 (1) (a) and 19(1) (b) of the Constitution of India.

Learned Advocate General appearing for the respondents contends that in exercise of powers vested on the respondents under Section 3 of the Police Act, 1861, the present impugned G.O.Rt.No.1 dated 02.01.2023 is issued to regulate the public meetings on the public roads in the interest of the public, in the light of the recent instances occurred in the State.

Learned Advocate General sought time to file counter affidavit.

Considering the request of the learned Advocate General, post the matter on 20.01.2023 to enable the respondents to file their counter affidavits.

Considering the facts and circumstances of the case and on careful consideration of the submissions made by respective counsels and also on perusal of the case law placed by the respective counsels before the Court, in the prima facie opinion of this Court, the impugned G.O.Rt.No.1 dated 02.01.2023 is contrary to the procedure provided under Section 30 of the Police Act, 1861.

All other contentions raised by the respective counsels will be considered after filing counter affidavit by the respondents.

Accordingly, there shall be interim suspension of impugned G.O.Rt.No.1 dated 02.01.2023 till 23.01.2023.”

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary to Government, Home Department, State of Andhra Pradesh , A.P Secretariat, Velagapudi, Guntur District, Andhra Pradesh
2. The Director General of Police, State of Andhra Pradesh, Mangalagiri, Amaravati, Andhra Pradesh. (**1 & 2 BY SPEED POST**)
3. One CC to Sri N Ashwani Kumar, Advocate [OPUC]
4. Two CCs to Advocate General, High Court Of Andhra Pradesh. [OUT]
5. Two spare copies.

RVK

HIGH COURT

DEVJ & DR VRKSJ

DATED:12/01/2023

POST THE MATTER ON 20.01.2023 TO ENABLE THE RESPONDENTS TO FILE
THEIR COUNTER AFFIDAVITS

ORDER

WP(PIL).No.5 of 2023

INTERIM SUSPENSION

