



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JULY, 2023

BEFORE

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 15400 OF 2023 (GM-POLICE)

BETWEEN:

1. SRI. VEERANJANEYA DHARMA JAGRUTHI BALAGA
T. NARASIPURA TOWN, MYSORE DISTRICT,
REP BY ITS SECRETARY
SRI.G.N. NIKHIL VENKATESH,
S/O NAGARAJA G V,
AGED ABOUT 20 YEARS,
R/AT T. NARASIPURA TOWN,
YELAVARUNDI, OPP WATER TANK,
T. NARASIPURA - 571 124.
2. SRI. G.N. NIKHIL VENKATESH,
S/O NAGARAJA G.V,
AGED ABOUT 20 YEARS,
R/AT T.NARASIPURA TOWN,
YELAVARUNDI, OPP. WATER TANK,
T.NARASIPURA - 571 124.

NOTE: THE PETITIONER NO.1 IS AN
UNREGISTERED ASSOCIATION.

...PETITIONERS

(BY SRI. ARUNA SHYAM., SENIOR COUNSEL A/W
SRI. SUYOG HERELE E.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH HOME DEPARTMENT,
REP. BY ITS PRINCIPAL SECRETARY,
VIDHANA SOUDHA, AMBEDKAR VEEDHI,
BANGALORE - 01.





2. THE DEPUTY COMMISSIONER,
MYSORE DISTRICT, MYSORE - 570 001.
3. THE THASILDAR,
T. NARASIPURA TALUK,
T. NARSIPURA - 571 124.
4. THE SUPERINTENDENT OF POLICE,
MYSORE DISTRICT, MYSORE- 570 001.
5. THE POLICE INSPECTOR,
T. NARASIPURA POLICE STATION,
T. NARASIPURA - 571 124.

...RESPONDENTS

(BY SRI.B.V. KRISHNA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 16/07/2023 ISSUED BY R5 AND 17/07/2023 IN NO.DVS.CR.21/2023--22 ISSUED BY R3 (PRODUCED AT ANNEXURE-A AND A1) AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The first petitioner is an unincorporated association of persons and second petitioner happens to be the Secretary of the first petitioner-Association. Petitioners are organizing a homage function for the departed soul namely Sri.Venugopal who laid his life as a victim of assailment by the miscreants, in the recent past. Learned Sr. Advocate appearing for the petitioners vehemently argues that Right



to association having been constitutionally guaranteed under Article 19(1)(b), the gathering of the kind cannot be interdicted by the police on the alleged ground of possible law & order problem. He also assures the court that gathering will be of a reasonable size and that the same would dissolve by the sunset of this day with a guarantee of no untoward incident happening. He also undertakes to file list of names of persons who are responsible for organizing the said gathering and who shall be answerable should any untoward incident happen.

2. Learned AGA appearing for the respondents opposes the petition with equal vehemence contending that though the gathering of the kind can be held, it should not result into disruption of peace in the society especially in the wake of death of an innocent person at the hands of miscreants; in matters like this, human emotions overflow, and eventually reason would take backseat that may result into disruption of peace in the society. So contending, he seeks dismissal of the Writ Petition.



3. Having heard the learned counsel for the parties and having perused the Petition Papers, this court is broadly in agreement with the submission made on behalf of the petitioners that right to associate and association are constitutionally guaranteed; people gathering for paying homage on the death of innocents has been a long tradition in the society; only requirement is that they have to ensure that no untoward incident would happen and that all precautions in that regard would be taken.

4. The apprehension of the learned AGA that despite there being police, at times, the situation may go out of the control, need not much trouble anyone inasmuch as there is an assurance from the side of organizers themselves and if the assurance is not kept, they would be personally liable. In that connection, they have to execute a monetary bond for a sum of Rs.1,00,000/- (Rupees One Lakh) only, in favour of the Tahasildar of the jurisdictional district.



In the above circumstances, this Writ Petition is allowed; a Writ of Certiorari having been issued, the impugned orders are quashed; petitioners are permitted to conduct the gathering for paying homage to the departed soul subject to the conditions and constraints discussed herein above. The list of organizers shall be furnished to the jurisdictional Tahasildar immediately. It is needless to state that the State should deploy sufficient police force, and the officials can videograph the entire event. Petitioners are bound over as above.

No costs.

Sd/-
JUDGE

CBC
List No.: 2 Sl No.: 1