

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
WEDNESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE
:PRESENT:
THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI**

**IA No. 1 OF 2023
IN
WP NO: 2202 OF 2023**

Between:

K. Srinivas, S/o. K. Jangaiah.

**...Petitioner
(Petitioner in WP 2202 OF 2023
on the file of High Court)**

AND

1. The State of Telangana, General Administration Department, Rep. by its Chief Secretary, Secretariat, Hyderabad.
2. The Union of India, Ministry of Home Affairs (Public Section), Rep. by its Deputy Secretary, North block, New Delhi.
3. The Under Secretary (Ceremonials), Ministry of Defence, South Block, New Delhi.

**...Respondents
(Respondents in-do-)**

**Counsel for the Petitioner : SRI T. SURYAKARAN REDDY REPRESENTING SRI
C. NARESH REDDY**

Counsel for the Respondent No.1 : ADVOCATE GENERAL

**Counsel for the Respondent Nos. 2 & 3 : SRI GADI PRAVEEN KUMAR (DEPUTY
SOLICITOR GENERAL OF INDIA).**

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 direct the Respondent No.1 to forthwith conduct the Republic Day Celebrations by following the Standard Operation Procedure communicated by the Respondent No.2 vide Circular No.22/2023-Public dated 19-01-2023, Pending disposal of WP No. 2202 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER:

This Writ Petition has been filed seeking a Writ of Mandamus declaring the action of respondent No.1 in not conducting the Republic Day celebrations in its true spirit and fervor as traditionally followed and not scrupulously following the Standard Operating Procedure (SOP) for Republic Day celebrations formulated by the Ministry of Defence as communicated by respondent No.2 vide Circular No.22/2023-Public

dt.19.01.2023, as illegal and arbitrary. The petitioner is seeking a declaration that the action of respondent No.1, in not conducting the Republic Day celebrations as directed by the Central Government *vide* letter No.2/2/2023-Public dt.19.01.2023 is illegal and arbitrary.

When the matter is taken up, learned Senior Counsel Sri T. Suryakaran Reddy representing Sri C.Naresh Reddy, learned counsel for the petitioner, has drawn the attention of this Court to the Guidelines issued by the Central Government particularly the Letter of the Ministry of Home Affairs (Public Section), dt.19.01.2023, wherein Standard Operating Procedure formulated to celebrate the forthcoming Republic Day in all the States and Union Territories of India has been forwarded to all the Chief Secretaries of the respective State Governments and Lt. Governors and Administrators of Union Territories. He submitted that as per the Standard Operating Procedure, in addition to celebration of Republic Day and the Republic Day Parade at New Delhi, the Republic Day should be celebrated in all the States and Union Territories and that such celebrations should be completed before the commencement of celebration at Kartavya Path in New Delhi. Broad Guidelines have been issued in the above mentioned Standard Operating Procedure. He has drawn the attention of this Court to various programmes which are directed to be organized by the State Governments and Union Territories for celebration of the Republic Day on 26th January, 2023.

Learned Advocate General appearing for respondent No.1, i.e., the State of Telangana, submitted that the Secretary to Government for the State of Telangana, General Administration (Poll.B) Department has issued a Memo No.224/Poll.B/2023 dt.21.01.2023 stating that the State Government has decided to celebrate Republic Day Celebrations, 2023, as was done last year, i.e., in 2022 and accordingly, the Hon'ble Governor will hoist the National Flag at Raj Bhavan duly attended by the Chief Secretary to Government, Director General of Police, T.S., Hyderabad and Senior Officers. He has also furnished a copy of the letter issued by the Secretary to Hon'ble Governor for the State of Telangana in Lr.No.1541/T3/S/2022-8, dt.23.01.2023 referring to the Govt. Memo No.224/Poll.B/2023 GAD (Poll.B) Department, dt.21.01.2023, informing that the Hon'ble Governor will unfurl the National Flag at Raj Bhavan at 07.00 AM on 26.01.2023. He has also furnished a copy of the Office Memorandum No.2/12/2022-Public issued by the Government of India, Ministry of Home Affairs/Grih Mantralaya (Public Section), dt.18.01.2023, according to which, it is mentioned that this year also, i.e., 2023, the Republic Day will be celebrated in a manner befitting the

occasion, but as the threat of Covid-19 virus still exists, while organizing various programmes or activities for the Republic Day celebrations, all the Guidelines and Standard Operating Procedures related to Covid-19 issued by the Ministry of Home Affairs and Ministry of Health & Family Welfare from time to time will have to be followed. He submitted that in view of this Office Memorandum dt.18.01.2023 issued by the Ministry of Home Affairs, Government of India, the Government of Telangana has taken the decision to celebrate the Republic Day as was done in the last year, i.e., in 2022. He submitted that the Guidelines issued by the Central Government are being followed and it is for the Government of Telangana to decide the manner of celebration and to take appropriate decision for celebrating the Republic Day.

Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India representing respondents 2 and 3, submitted that the Office Memorandum dt.18.01.2023 is only in respect of the Republic Day celebrations to be held at New Delhi and the Guidelines in the Letter No.2/2/2023-Public, dt.19.01.2023 issued by the Ministry of Home Affairs, Government of India, are in respect of the celebrations to be held in all the States and Union Territories in India. He further submitted that the said letter has been communicated to all the States and Union Territories on 19.01.2023 itself.

Having regard to the above submissions, this Court observes that the Republic Day has been celebrated throughout the country by Government of India as well as the respective State Governments/Union Territories from 1950 as per the Guidelines issued by the Central Government from time to time. Owing to Covid-19 situation, as submitted by all the parties, there were certain restrictions in the celebrations of the Republic Day on earlier occasions. Though the learned Advocate General is relying upon the Covid-19 situation being still existing, he has not been able to place on record or place before this Court any Guidelines issued by the Government of Telangana and the Standard Operating Procedure to be followed in any official function as on date due to Covid-19 situation.

As rightly submitted by the learned Deputy Solicitor General of India, this Court finds that the Office Memorandum dt.18.01.2023 issued by Ministry of Home Affairs, Government of India is relating to the Republic Day celebrations to be held at New Delhi and the Letter No.2/2/2023-Public dt.19.01.2023 issued by the Ministry of Home Affairs, Government of India, is relating to the Republic Day celebrations to be held in all the States and Union Territories. The Memo No.224/Poll.B/2023 dt.21.01.2023 issued

by the Government of Telangana does not refer to either the Office Memorandum dt.18.01.2023 or the Letter dt.19.01.2023 of Government of India. Therefore, it is presumed that the instructions dt.21.01.2023 are issued by the Government of Telangana without considering the Guidelines issued by the Government of India vide Letter dt.19.01.2023.

The Republic Day being a National Festival, has to be celebrated with national fervor, grandeur, gaiety and enthusiasm. The Government of India has thought it fit to issue Guidelines and all the State Governments and Union Territories are bound to follow the same to the best of their ability and in a manner befitting the occasion.

The State Government of Telangana has not expressed any impediments in celebrating the Republic Day on 26th January, 2023 as per the Guidelines of the Central Government except for Covid-19 Guidelines. Since Covid-19 virus protocol issued by the Government of Telangana for the current situation has not been produced by the learned Advocate General and is not stated to being followed as on today, this Court deems it fit and proper to direct the Government for the State of Telangana to celebrate the Republic Day on 26th January, 2023 including the Republic Day parade by following the Guidelines issued by the Central Government to the best of its ability at the place of its choice befitting the occasion and also permitting participation of the public at large. The submission of the learned Advocate General that preparations are being made for web casting of the celebrations at Raj Bhavan to reach the citizens far and wide and the public at large, is not satisfactory to say that the celebrations are being held in a grand manner befitting the majesty of the occasion.

The Government for the State of Telangana is thus directed to celebrate the Republic Day 26th January, 2023 as per the Guidelines of the Government of India.

The learned Advocate General is directed to communicate this order immediately to the State Government so that the Government can make arrangements for Republic Day celebrations tomorrow as per the Guidelines of the Government of India.

//TRUE COPY//

SD/- K. SREERAMA MURTHY
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Chief Secretary, General Administration Department, Secretariat, State of Telangana, Hyderabad
2. The Deputy Secretary, Ministry of Home Affairs (Public Section), Union of India, North block, New Delhi
3. The Under Secretary, (Ceremonials), Ministry of Defence, South Block, New Delhi.
(1 to 3 By RPAD)
- ~~4. One CC to Sri C. NARESH REDDY, Advocate [OPUC]~~
5. One CC to Sri GADI PRAVEEN KUMAR, Deputy Sclicitor General of India [OPUC]
6. Two CCs to ADVOCATE GENERAL, High Court for the State of Telangana at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

PMD,J

DATED:25/01/2023

ORDER

IA.NO.1 OF 2023
IN
WP.No.2202 of 2023

DIRECTION

