

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 27TH DAY OF MAY 2022 / 6TH JYAISHTA, 1944

WP (C) NO. 16371 OF 2022

PETITIONER:

R.RAMARAJA VARMA,
AGED 73 YEARS
S/O RAMAVARMA THAMPURAN
VYSHAKHAM,
SANATHANA PURAM,
ALAPPUZHA - 688003

BY ADV. G.SREEKUMAR (CHELUR)

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO THE
GOVERNMENT OF KERALA,
SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 2 STATE OF KERALA,
REPRESENTED BY THE ADDITIONAL CHIEF
SECRETARY TO THE GOVERNMENT OF KERALA,
DEPARTMENT OF HOME, ROOM NO. 357 (A) & 358,
MAIN BLOCK SECRETARIAT,
THIRUVANANTHAPURAM-695001
- 3 STATE POLICE CHIEF,
STATE POLICE HEADQUARTERS,
VELLAYAMBALAM,
CITY-THIRUVANANTHAPURAM-695010
- 4 DISTRICT COLLECTOR,
FIRST FLOOR, COLLECTORATE, ALAPPUZHA,
KERALA, INDIA, PIN CODE - 688 001
- 5 DISTRICT POLICE CHIEF,
OFFICE OF THE DISTRICT POLICE CHIEF, F8VC+HX5, CCSB
ROAD, CIVIL STATION WARD, ALAPPUZHA,
KERALA - 688012

6 ADDITIONAL DIRECTOR GENERAL OF POLICE,
 INTELLIGENCE, DEPARTMENT SPECIAL BRANCH
 CID HQ
 THIRUVANANTHAPURAM, KERALA - 695036

BY ADV.

SMT.VIDYA KURIAKOSE, GOVERNMENT PLEADER

 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 27.05.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C).No. 16371 of 2022

Dated this the 27th day of May, 2022

JUDGMENT

The above writ petition is filed with the following prayers:

"(A) Issue a writ of mandamus or such other writ or direction directing the 5th respondent to consider and pass orders on Exhibit P3 representation immediately;

(B) Issue a writ of Mandamus or such other writ or direction directing the respondents to prohibit conferences, Marches, Mass Drill, Motor Cycle Rally etc.. at Alappuzha District on 21.05.2022 proposed to be conducted by Popular Front of India and Bajrangdal;

and

(C) Issue such other writ, direction or order as are just and necessary in the facts and circumstances of the case to meet the ends of justice."[SIC]

2. When this writ petition came up for consideration on 20.05.2022, this Court passed the

following order:

"Admit.

Learned Government Pleader takes notice for the respondents.

The 5th respondent will consider Ext.P3 and see that there is no law and order problem.

Post on 27/5/22."

3. Today when this writ petition came up for consideration, the learned Government Pleader placed on record a report submitted by the Deputy Superintendent of Police, Alappuzha. It will be better to extract the relevant portion of the report:

"A foolproof bandobust scheme was already prepared by considering the recent law and order issues happened in Alappuzha District. On 21.05.2022, more than 1100 police personnel were deployed for duty in Alappuzha Town under the leadership of the District Police Chief, Alappuzha comprising 2 Addl.SPs, 11 DySPs and 20 Inspectors of Police. The Inspector General of Police South Zone and Deputy Inspector General of Police, Ernakulam Range have personally monitored entire duty and no law and order situation was reported during the programme.

Bajrang Dal has conducted the bike rally

without permission from Alappuzha Town at about 09.30 Hrs and hence a case was registered against them at Alappuzha North Police Station as Cr.555/2022 u/s 143, 147, 149, 283 IPC.

Popular Front of India has conducted the Rally at Alappuzha Town at about 16.30 Hrs and violated the conditions issued by the district administration while granting sanction for their programme. A case was registered against them at Alappuzha South Police Station as Cr.418/2022 u/s 143, 147, 149, 283 IPC & Sec 6(1) The Kerala Public Ways (Restriction of Assembles and Processions) Act 2011 for creating traffic obstruction in Alappuzha Town.

It is submitting that the Police has ensured law and order under control in Alappuzha town in connection with the programmes."

4. In the above statement, it is stated that Crime Nos.555/2022 and 418/2022 are registered by the Alappuzha Police against the Bajrang Dal and the Popular Front. Both cases will be investigated by the investigating officer concerned and submit a report before the competent court as early as possible. It is also bring to the notice of this Court that provocative slogans were raised by the

members in the rally conducted by the Popular Front. The learned Government Pleader submitted that Crime No.425/2022 is registered in connection with the incident of raising provocative slogans and two persons were already arrested.

5. If a member of a rally raise provocative slogans, the persons who organize the rally is also responsible. If a rally is conducted, it is the duty of the leaders to control the members of the rally. Whether the members of the rally raised the slogan with the knowledge of the leaders or whether there is any connivance between the leaders who organized the rally with the persons who raised provocative slogans is a matter to be investigated by the police. *Prima facie*, they are responsible. So they should be implicated as accused in the case and the police should investigate the matter. But I make it clear that, the police should investigate the matter untrammelled by any observation in this

judgment. The Police officers will do the needful in accordance to law against all persons who violated the law of the land.

With the above observation, this writ petition is closed.

DM

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

APPENDIX OF WP(C) 16371/2022

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF POSTER ISSUED BY THE
POPULAR FRONT OF INDIA, DATED NIL.

EXHIBIT P2 TRUE COPY OF THE PRESS RELEASE
ISSUED BY THE ENFORCEMENT
DIRECTORATE, DATED 13.5.2022.

EXHIBIT P3 TRUE COPY OF REPRESENTATION GIVEN
BY THE PETITIONER TO 5TH
RESPONDENT DATED 16.05.2022.

RESPONDENTS EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE