



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3560]

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION NO: 34290/2025

Between:

1. SOVARAMINNARAO, S/O LATE SUKKAIAH, AGE 44 YEARS, OCC FARMER, R/O 3-5, VENNELAVALASA VILLAGE, SARIBUJJILI MANDAL, SRIKAKULAM DISTRICT, ANDHRA PRADESH, PIN CODE- 532458.
2. SAVARA SIMHACHALAM, , S/O CHUKKAIAH, AGE 35 YEARS, OCC FARMER, R/O 8-10, ADDURIPETA VILLAGE, BOORJA MANDAL, SRIKAKULAM DISTRICT, ANDHRA PRADESH, PIN CODE- 532445.

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HOME, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DIRECTOR GENERAL OF POLICE, MANGALAGIRI, ANDHRA PRADESH.
3. THE SUPERINTENDENT OF POLICE, SRIKAKULAM DISTRICT, SRIKAKULAM.
4. THE SUB DIVISIONAL POLICE OFFICER, SRIKAKULAM SUB DIVISION, SRIKAKULAM.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondent herein in issuing a notice, dated 06.12.2025, under Section. 168 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, pursuant to the direction of this Honble Court in W.P. No. 33776 of

2025, dated 04.12.2025, claiming to be issued for the reasons stated therein, refusing to allow a procession on 10.12.2025, with a provision for using microphone(s), as sought by the 1st Petitioner, vide Application Number PEB012500351110, dated 26.11.2025, in Saribujjili Town in Srikakulam District by residents of villages surrounding Saribujjili and Boorja in Srikakulam District and members of Thermal Power Plant VyathirekhaPorata Committee to demand the Government of Andhra Pradesh to roll back plans to establish a 3200 Mega Watts coal-based Thermal Power Plant in Boorja and Saribujjili Mandals in Srikakulam District, on the one hand, and directing the 1st Petitioner to restrict themselves to conducting a Meeting, on the other hand, and thereby set aside the same as it is nothing but an act of undue restraint, and illegal, arbitrary, malafide, and not in line with the direction of this Honble Court in W.P. No. 33776 of 2025, dated 04.12.2025, and contrary to The Police Act, 1861 and The Andhra Pradesh Police Manual, 2017, and violative of Article 19 (1) (a), 19 (1) (b) and 19 (1) (d) of the Constitution of India, and consequently direct the 4th Respondent to not prevent the Petitioners and others from taking out a procession from Vennelavalasa Bus Stop to Saribujjili Mandal Revenue Office on 10.12.2025, with a provision for using microphone(s) and pass

IA NO: 1 OF 2025

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 impugned Notice, dated 06.12.2025, under Section. 168 of Bharatiya Nagarik Suraksha Sanhita (BNSS), issued by the 4th Respondent to the 1st Petitioner, pending disposal of this Writ Petition and pass

IA NO: 2 OF 2025

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 allow the Petitioners herein and others to carry out a procession on 10.12.2025 from Vennelavalasa Bus Stop to Saribujjili Mandal Revenue Office, with 1000 people, with a provision for microphone(s), demanding the government to roll back plans to establish a 3000 Mega Watts coal-based Thermal Power Plant in Saribujjili and Boorja Mandals in Srikakulam District, and pass

Counsel for the Petitioner(S):

1. GUTTA ROHITH

Counsel for the Respondent(S):

1. GP FOR HOME

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**WRIT PETITION NO: 34290 of 2025****ORDER:**

The instant Writ Petition has been filed challenging the action of respondent authorities in refusing to allow a procession on 10.12.2025 with a provision for using microphone(s) from Vennelavalasa bus stop to Saribujjili Mandal Revenue Office demanding and requesting the Government to withdraw the proposal to construct a 3200 Mega Watts coal-based Thermal Power Plant in Vennelavalasa and surrounding villages in Boorja. The said issue was previously raised before this Court in W.P.No.33776 of 2025. This Court on the earlier occasion has directed the authority to take a decision whether permission can be granted. In pursuance to the direction of this Court, SubDivisional Police Officer, Srikakulam, has passed a written order-cum-notice under Section 168 BNSS, whereby the permission for procession was not granted, hence, this Writ Petition.

2. The learned counsel for the petitioners submits that initially the road where the procession is proposed to be conducted was very narrow, but now the road has been expanded which means the procession of 1000 people shall not disturb the public traffic. He further submits that the petitioners being individuals of state have every right to challenge any action of the State in peaceful manner. The petitioners have never stated that they will disturb the public tranquility in raising the procession, thus the police notice under Section

168 BNSS is liable to be set aside and necessary permission may be granted for holding procession.

3. Counter affidavit has been placed on record by the 4th respondent, wherein the submission of police officials is that the road was very narrow, if the procession was allowed there is a chance of accident. Procession of 1000 people over a distance of 2 KM will obstruct the traffic and emergency health services of the people at large. There is no alternative road for the people to proceed if the procession was allowed or planned, it would be difficult for the authorities to maintain the traffic. It has also been submitted that earlier there are many deaths reported in a temple at Kasibugga where no permission was granted. Furthermore, Section 30(2) of the police Act is under promulgation in the said area, thereby no rally or procession can be allowed. There are several schools and government officers are residing in the vicinity of the area, if the procession be conducted then the entire smooth public living in general would be stalled. It is further argued that there is a chance of mixing of Naxalists in the procession to interfere peace and tranquility of the people, that is the reason the concerned authority was not granted permission for the procession.

4. Heard the learned counsel for the parties. Perused the pleadings filed herein.

5. It appears that the petitioners intend to conduct a procession with 1000 people over a distance of 2 KM., making rally and procession over a public

road peacefully and without disturbing law and order. In the present case, it is the apprehension of the respondent authorities that if such rally be allowed to be continued, there would be heavy disruption of traffic and law and order situation would be happened. However, considering the entire aspect, I am considering the dictum of law of the land enumerated Article 19 and other provision of Constitution of India, in my view the public opinion as well as public grievance cannot be forcibly stalled to ventilate their grievances to procession, however reasonable concern of the respondent authority has to be looked into.

6. Accordingly, in my view, the prayer of the petitioners is required to be considered sympathetically according to the present factum and status of the affairs in hand. Thus, the impugned order passed by the Sub Divisional Police Officer is hereby set aside.

7. The petitioner No.2 being the Secretary of such committee be permitted to take out such procession with 500 people only by the use of microphone(s) from the place Vennelavalasa bus stop to Saribujili Mandal Revenue Officer, most preferably on a Sunday at 10.00 a.m. which shall be started and be concluded within 1.00 p.m. In conducting such said procession, members of process shall maintain a rally by placing the rally in one side of the road particularly at the left side of the road keeping 2/3rd portion of road vacant. They shall not obstruct the traffic in any way and follow the direction of the traffic police and police authority to conduct the rally in peaceful manner. The volunteers of the petitioners shall be arranged to control the traffic during the

meeting. No antisocial activities or any unlawful activities or carrying of any fire arm or any arm and weapon in any manner shall not be allowed in conducting such rally. The rally should be peaceful and only they allow to raise a slogan which shall not hurt sentiment of any person, so that untowards incident may not be conducted. Members of this rally shall carry their identity card, so that their identity may be visible to the authority concerned, any untoward incident happened in conducting the rally regarding medical illness or anything of the member of the rally, the volunteers of the association or the petitioners shall take care of such medical emergencies. The procession shall not obstruct any ambulances or medical emergency in conducting such procession.

8. Under the above directions, the instant Writ Petition is disposed of. The petitioners shall approach the authorities concerned well before two weeks for conduction of such procession informing the date and time of the rally. The respondent authority shall sit with the petitioners to fix the date of procession.

9. There is no order as to costs.

Consequently, pending miscellaneous applications, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dated:06.05.2026.
sj

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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

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Dated: 06.05.2026.

sj