

(2023) 10 KAR CK 0041

In the Karnataka High Court

Case No : Writ Petition No. 24071 Of 2023 (GM-RES)

Chamarajpet Nagarikar Okkuta (R) Having Its Registered
Office At No 90, 4th Main Road, 7th Cross, Chamarajpet,
Bengaluru 560018

APPELLANT

Vs

State Of Karnataka, Revenue Department, Vidhana Soudha,
Ambedkar Vidhi, Bengaluru 560002. (Rep By Its Principal
Secretary) & Others

RESPONDENT

Date of Decision : 31-10-2023

Acts Referred:

Citation : (2023) 10 KAR CK 0041

Hon'ble Judges : Prasanna B. Varale, CJ; Krishna S Dixit, J

Bench : Division Bench

Advocate : Shridhar Prabhu, S S Mahendra

Final Decision : Partly Allowed

Judgement

Prasanna B. Varale, CJ

1. Heard the learned counsel for the Petitioner. As urgency was claimed in the Petition (PIL), the same was taken up by us at 1.30 P.M. Learned counsel appearing for the Petitioner which is a Society under the name "Chamarajpet Nagarikar Okkuta (R)" duly registered, is being represented by its President one Sri.Sriramegowda S/o Lingegowda. Petitioner prays for issuance of a Writ of Mandamus, to Respondent No.2 to consider and pass appropriate orders on its representation dated 17.10.2023. Learned counsel fairly submits that the said request was turned down by the authority and as such, the petitioner is before this court claiming the urgency.

2. A perusal of the copy of the subject representation placed on record at Annexure-B1 shows that a composite request is made by the Petitioner-Society as under:

"Sub: Regarding conducting Karnataka

Rajyotsava and Annama Devi Utsava at
Chamarajapet playing ground on
01.11.2023 to 03.11.2023.

It is decided to celebrate Karnataka Rajyotsava and Annamma Devi Utsava at Chamamarjapet playing ground on 01.11.2023 to 03.11.2023 at Chamarajapet playing ground and hence it is requested to grant us permission for the said events.

Details of events is as follows:

Date:01.11.2023:Flag Hosting, Annammadevi installation, Evening Cultural event

Date:02.11.2023:Event Cultural Events

Date:03.11.2023:Procession of Annamadevi

Pallakki from 3.00 pm afternoon in

Chamarajapet areas.”

3. Learned counsel Mr. Sridhar Prabhu further on instructions submits that the Petitioner is not pressing for a joint celebration of Karnataka Rajyotsava and Annamma Devi festival but the entire aim of approaching the authority was for permission to celebrate Karnataka Rajyotsava which is on 1.11.2023 and for other cultural activities from 1.11.2023 to 3.11.2023. It is further submitted that to celebrate Karnataka Rajyotsava, (formation day of State of Karnataka) and to undertake cultural events do promote the principle of unity & integrity of the nation and post secular credentials of the system. In that direction, people from all sects & religions would be participating in the events on the scheduled dates. That being the position, he submits, the impugned Endorsement needs to be set at naught and request of the Petitioner has to be favoured. He hastens to add that the activities would be confined to hoisting of only the State Flag and no other flag or symbol. He also assures that the organizers would ensure peace & tranquility and shall not give any scope for disturbing the law and order.

4. Learned Additional Government Advocate submits that as the venue namely the Idga Maidan at Chamarajpet is the subject matter of a lis now pending before the Apex Court, the said space cannot be given keeping in view certain interim orders passed therein. He contends that whether a particular place should be given for the programs of the kind or not, is a matter left to the domain of the Executive and that the decisions therein need to be founded on a host of factors, that are not judicially manageable.

5. Having heard the learned counsel for the parties and having perused the Petition papers, we are inclined to direct the authorities to favourably consider request of the Petitioner for the permission to conduct Kannada Rajyotsava celebration and to perform associated cultural activities during the period between 1.11.2023 and 3.11.2023, accepting the undertaking given by the

Petitioner through its learned counsel. After all, what is being celebrated is the birthday of the State of Karnataka i.e., Kannada Rajyotsava and not any objectionable activity. Had the Petitioner – Society not made the composite request, perhaps, the District Administration would not have rejected the same. Be that as it may.

6. Ordinarily, celebration of secular events of the kind are not objected to in a Welfare State subject to all just exceptions into which argued case of the Petitioner does not fit. The Petitioner – Society as already mentioned above, has assured of not breaching the societal peace & tranquility or disturbing the law and order. It has also undertaken not to hoist any flag or symbol other than the State Flag nor to undertake any activity that would offend the idea of integrity of the nation and secular credentials of the society. There is no reason to doubt this assurance. Added, the authorities also have the watch & ward of the events, if necessary by posting required police force, at the spot. There is also force in the submission of learned Additional Government Advocate that in the event, the subject place namely Idga Maidan cannot be permitted to be utilized for the events in question, for reasons of the State then some other suitable ground needs to be made available to the Petitioner – Society for organizing the function in question. That would do justice in the fitness of things.

In the above circumstances and the above assurances given by the Petitioner – Society, this Writ Petition is allowed in part; a Writ of Mandamus issues to the 2nd Respondent – Deputy Commissioner to permit the Petitioner – Society to organize Kannada Rajyotsava celebration and conduct cultural activities at the Idga Maidan, Chamarajapete, Bengaluru on 1st, 2nd & 3rd days of November, 2023, subject to all usual conditions as are required to be prescribed in the public interest.

However, if there is any impediment, legal or otherwise, for such a celebration and event being organized at the Idga Maidan, the 2nd Respondent shall provide to the Petitioner – Society some other suitable ground as an alternative.

Costs made easy.