**ITEM NO.22+23+47 COURT NO.5 SECTION XII**

**S U P R E M E C O U R T O F I N D I A**
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) No(s).24161-24176/2023**

**(Arising out of impugned final judgment and order dated 18-10-2023 in WPMD No.24764/2023 18-10-2023 in WPMD No.24765/2023 18-10-2023 in WPMD No.24766/2023 18-10-2023 in WPMD No.24767/2023 18-10-2023 in WPMD No.24768/2023 18-10-2023 in WPMD No.24769/2023 18-10-2023 in WPMD No.24770/2023 18-10-2023 in WPMD No.24771/2023 18-10-2023 in WPMD No.24772/2023 18-10-2023 in WPMD No.24773/2023 18-10-2023 in WPMD No.24775/2023 18-10-2023 in WPMD No.24776/2023 18-10-2023 in WPMD No.24778/2023 18-10-2023 in WPMD No.24780/2023 18-10-2023 in WPMD No.24781/2023 18-10-2023 in WPMD No.24783/2023 passed by the High Court of Judicature at Madras at Madurai)**

**THE DIRECTOR GENERAL OF POLICE, MYLAPORE, CHENNAI & ORS. Petitioner(s)**

**VERSUS**

**K.CHANDRASEKAR. Respondent(s)**

**(FOR ADMISSION and I.R. and IA No.221773/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**
**With**
**Petition(s) for Special Leave to Appeal (C) No(s).24234-24265/2023**
**(FOR ADMISSION and I.R. and IA No.222312/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.224307/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**
**Petition(s) for Special Leave to Appeal (C) No(s).24766/2023**
**(IA No.228289/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**Date : 20-11-2023 These petitions were called on for hearing today.**

**CORAM :**
**HON'BLE MR. JUSTICE SURYA KANT**
**HON'BLE MR. JUSTICE DIPANKAR DATTA**

**For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.**
**Mr. Amit Anand Tiwari, A.A.G.**
**Mr. Sabarish Subramanian, AOR**
**Mr. C Kranthi Kumar, Adv.**
**Ms. Devyani Gupta, Adv.**
**Mr. Vishnu Unnikrishnan, Adv.**
**Mr. Naman Dwivedi, Adv.**
**Mr. Danish Saifi, Adv.**
**Ms. Tanvi Anand, Adv.**
**Ms. Kerthana, Adv.**

Mr. N.R. Elango, Sr.Adv.
Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Mr. C Kranthi Kumar, Adv.
Mr. Danish Saifi, Adv.
Mr. Naman Dwivedi, Adv.

For Respondent(s) Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Nachiketa Joshi, AOR
Mr. P.V. Yogeswaran, Adv.
Mr. Santosh Kumar, Adv.
Mr. Ayush Anand, Adv.
Mr. Vishnukant, Adv.

Ms. Madhavi Divan, Sr. Adv.
Mr. Praneet Pranav, Adv.
Mr. Alabhya Dhamija, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Rahul Tanwani, Adv.
Ms. Harshita Raghuvanshi, Adv.
Mr. T Gopal, Adv.
Mr. Amit Sharma, Adv.
Ms. Aishani Narain, Adv.
Mr. Siddhartha Sinha, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. This batch of Special Leave Petitions assails two judgments, one by the Principal Bench of the Madras High Court dated 16.10.2023 and the other by its Madurai Bench dated 18.10.2023 whereby various Writ Petitions filed by the different units of the Principal Organization (RSS) were disposed by directing the petitioner–authorities to permit the respondent – Organization to conduct the Route March (mentioned as procession/rally in the orders of the High Court) on the prescribed dates and subject to the conditions contained in para 22 of the judgment dated 16.10.2023 (Principal Bench) and para 74 of the judgment dated 18.10.2023 (Madurai Bench).

2. In terms of the composite directions referred to above, the respondent – Organization was permitted to conduct the Route March on 22.10.2023 and 29.10.2023. The aggrieved petitioners filed these Special Leave Petitions apparently on the very next day of issuance of the directions by the High Court, referred to above.

3. The respondent – Organization being on caveat, the matter

was heard on 06.11.2023 when the following order was passed:

> "1. On suggestion of the revised dates by Ms. Madhavi Divan,learned senior counsel representing the respondent-organisation, Mr. Kapil Sibal and Mr. Mukul Rohatgi, learned senior counsel aswell as Mr. Amit Anand Tiwari, learned AAG for the State of Tamil Nadu submit that the respondents shall be permitted to conduct the procession/rally either on 19.11.2023 or 26.11.2023, as per the modalities approved by the High Court including the commencement and the terminating points of the procession/rally and subject to the terms and conditions contained in the High Court order.
> 2. The respondent may submit the proposed route for conducting the procession/rally within three days. The petitioner-authorities are directed to take an appropriate decision including the modification, if any, in the route, as agreed to by the respondents before the High Court, and shall inform the same on or before 15.11.2023.
> 3. Post these matters for compliance on 20.11.2023."

4. Mr. Kapil Sibal, learned Senior Counsel appearing on behalf of the petitioners states that in deference and in compliance of the above-mentioned order, the respondent-Organization was permitted to conduct the Route March on 19.11.2023. This fact is not disputed by Ms. Madhvi Divan and Mr. Guru Krishna Kumar, learned Senior Counsel representing the respondent-Organization.

5. Ordinarily, this would have been the end of the matter. However, Mr. Kapil Sibal, learned Senior Counsel points out that as the Route March could not be permitted to be conducted on the date(s) fixed by the High Court vide the impugned judgments, contempt proceedings have been initiated against the petitioners in which the High Court on 01.11.2023 observed that a *prima facie* case for violating the judicial orders was made out and hence Statutory Notice has been issued to the petitioners in one of these cases.

6. Learned Senior Counsel for the respondent-Organization submits that this Court may not close the contempt proceedings as the matter is between the High Court and the alleged contemnors.

They further point out that the respondent-Organization is being compelled to approach the High Court every time when they want to conduct a peaceful and law-abiding Route March and, that too, subject to such reasonable and fair conditions as may be imposed in accordance with law.

7. Having considered the rival submissions, it appears to us that the petitioner-authorities should in all fairness submit a proposal before the High Court as to how in future they will ensure that the respondent-Organization is permitted to conduct the Route March without seeking intervention of the Court. Such a proposal may be considered by the High Court only after inviting objections/suggestions from the respondent-Organization/its local units. Such a recourse is required to avoid unnecessary litigation in future.

8. As regard to the contempt notice issued by the High Court in one of the matters, it may be seen that the show-cause notice was issued by the High Court on 01.11.2023 i.e. much before this Court passed the order on 06.11.2023.

9. It goes without saying that the petitioners shall be at liberty to apprise the High Court that they immediately availed their legal remedy against the directions issued by the High Court and, thereafter, have faithfully and earnestly complied with the order passed by this Court on 06.11.2023. We see no reason to doubt that the High Court shall take into consideration all the subsequent events, most importantly the proposal to be submitted on behalf of the petitioners for future course of action. The High Court may, accordingly, pass appropriate orders for which it is not expedient or desirable for this Court to express any opinion on merits.

10. The Special Leave Petitions are disposed of in the above terms.

11. Till such time the petitioners (who are the alleged contemnors before the High Court) file their respective affidavits along with the proposal referred to above, and the same are considered by the High Court, the personal presence of the officers

**in the contempt proceedings shall remain exempted.**

**12. As a result, the pending interlocutory applications also stand disposed of.**

**(SATISH KUMAR YADAV)**
**DEPUTY REGISTRAR**

**(PREETHI T.C.)**
**COURT MASTER (NSH)**