



NC: 2026:KHC-D:1504
WP No. 100782 of 2026
C/W WP No. 100783 of 2026

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 100782 OF 2026 (GM-POLICE)

C/W

WRIT PETITION NO.100783 OF 2026

IN WRIT PETITION NO 100782 OF 2026
BETWEEN:

HINDU SAMMELANA SAMITHI,
SADASHIVA NAGARA, BELAGAVI
UNREGISTERED ORGANIZATION
REP. BY ITS SECRETARY/CORRESPONDENT
SRI. SHREYAS SOMSHEKHAR NAKADI,
AGED ABOUT 34 YEARS,
C/O. SOMSHEKHAR,
R/AT PLOT NO.76, SURVEY NO.50,
BESIDE GANESH TEMPLE, SHAHU NAGAR,
BELAGAVI, KARNATAKA-590010.

...PETITIONER

(BY SRI. ARUNA SHYAM, SR. COUNSEL FOR
SRI. SURAJ S.MUTNAL, ADVOCATE)

AND:

1. THE COMMISSIONER OF POLICE BELAGAVI,
OFFICE OF COMMISSIONER,
KALLEHOL ROAD, CAMP,
BELAGAVI-590001.
2. THE ASSISTANT COMMISSIONER OF POLICE,
MARKET SUB DIVISION, BELAGAVI POLICE QUARTERS,
SHIVAJI NAGAR, BELAGAVI,
KARNATAKA-590016.





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3. THE INSPECTOR
APMC POLICE STATION,
BELAGAVI DISTRICT,
BAUXITE ROAD, BELAGAVI,
PIN-590001.

...RESPONDENTS

(BY SRI. GANGADHAR J.M., ADD. ADVOCATE GENERAL)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA R/W SECTION 528 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO I. ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT AND QUASH THE POLICE NOTICE DATED 22.01.2026 IN JAVAK NO.180/2026, ISSUED BY RESPONDENT ASST. COMMISSIONER OF POLICE. (PRODUCED AT ANNEXURE-A). II. ISSUE A WRIT IN THE NATURE OF MANDAMUS AND DIRECT THE RESPONDENTS TO PERMIT THE PETITIONERS TO CONDUCT "HINDU SAMMELANA" AND ALLOW/PERMIT KUM. HARIKA MANJUNATH TO ADDRESS THE GATHERING ON 08.02.2026 BY CONSIDERING THE REPRESENTATION MADE BY THE PETITIONER VIDE LETTER DATED 13-01-2026 AND 30-01-2026 (PRODUCED AT ANNEXURE- B AND C). III. ISSUE ANY OTHER WRIT OR ORDER AND GRANT SUCH OTHER AND FURTHER RELIEF AS THIS HON'BLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

IN WRIT PETITION NO.100783 OF 2026
BETWEEN:

HINDU SAMMELANA SAMITHI,
MAHANTESH NAGARA, UPANAGARA, BELAGAVI,
UNREGISTERED ORGANIZATION
REP. BY ITS SECRETARY/CORRESPONDENT
SRI. BASAVARAJ SHIVARAJ BHAGOJI,
AGED ABOUT 48 YEARS,
S/O. SHIVARAJ BHAGOJI,
R/AT. PLOT NO.93, VRKC HOUSE SOCIETY,
SHIV ANJANEYA TEMPLE, SHRI NAGAR,
BELAGAVI, KARNATAKA-590016.

...PETITIONER

(BY SRI. ARUNA SHYAM, SR. COUNSEL FOR
SRI. SURAJ S.MUTNAL, ADVOCATE)



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AND:

1. THE COMMISSIONER OF POLICE, BELAGAVI,
OFFICE OF COMMISSIONER, KALLEHOL ROAD,
CAMP, BELAGAVI-590001.
2. THE ASSISTANT COMMISSIONER OF POLICE,
MARKET SUB DIVISION,
BELAGAVI POLICE QUARTERS,
SHIVAJI NAGAR, BELAGAVI,
KARNATAKA-590016.
3. THE INSPECTOR
APMC POLICE STATION,
BELAGAVI DISTRICT, BAUXITE ROAD,
BELAGAVI, PIN-590001.

...RESPONDENTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA R/W SECTION 528 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, I. ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT AND QUASH THE POLICE NOTICE DATED 22.01.2026 IN JAVAK NO.181/2026, ISSUED BY RESPONDENT ASST. COMMISSIONER OF POLICE. (PRODUCED AT ANNEXURE-A). II. ISSUE A WRIT IN THE NATURE OF MANDAMUS AND DIRECT THE RESPONDENTS TO PERMIT THE PETITIONERS TO CONDUCT "VIRAT HINDU SAMMELANA" AND ALLOW/PERMIT SRI MITHUN CHAKRAVARTHY DEVIDAS SHET @ CHAKRAVARTHY SULIBELI TO ADDRESS THE GATHERING ON 06.02.2026 BY CONSIDERING THE REPRESENTATION MADE BY THE PETITIONER VIDE LETTER DATED 30-01-2026 (PRODUCED AT ANNEXURE- B AND C). III. ISSUE ANY OTHER WRIT OR ORDER AND GRANT SUCH OTHER AND FURTHER RELIEF AS THIS HON'BLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE WRIT PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNegANTI



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ORAL COMMON ORDER

The respondents in both the writ petitions are one and the same and the impugned notice/order passed by the respondents is identical in both the writ petitions. As such, both the writ petitions are disposed of by way of a common order.

2. The petitioners in WP No.100782/2026 approached respondent No.2 by submitting a representation dated 13.01.2026 stating that the Hindu Sammelana would be held on 08.02.2026 near Shivalaya of Shahunagar, Belgavi and on the said day, one Kumari Harika Manjunath would address the gathering. The petitioners in WP No.100783/2026, submitted a representation dated 13.01.2026 stating that Hindu Sammelana would be held on 06.02.2026, near Sree Nagar, Sai Baba Temple, Belagavi. On the said day, one Sri. Mithun Chakravathy Devidas Shet @ Chakravathy Sulibeli, who is a staunch nationalist and a law-abiding citizen of the nation and a well-known writer, communist and orator, columnist and writer, would address the gathering. Thereafter, the police in both the cases have issued impugned notice dated 22.01.2026 and rejected the said request of the petitioners prohibiting the



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participation of both the speakers stating that the crimes are registered against them and permitting them to participate in the said Sammelana would give rise to law and order issue. In response to that, the petitioners in both the cases on 31.01.2026 submitted a reply stating that no cases are pending/cases are stayed by the Hon'ble High Court.

3. Learned Senior Counsel appearing on behalf of the petitioners submits that the impugned order, which is styled as a notice, issued by the respondent is contrary to the Karnataka Police Act, 1963 (Hereinafter referred to as 'KP Act') and violative of principles of natural justice and also violative of the fundamental right guaranteed to the citizens. It is stated that the respondents without a valid reason and without giving an opportunity had passed the impugned order prohibiting the above referred two persons from participating in the Sammelana, which is scheduled to be held on 06.02.2026 and 08.02.2026. It is submitted that the participation of those two speakers will not give any rise to law and order issue, as stated in the impugned notice. It is further submitted that these two persons earlier had participated in similar five programs and no such untoward incidents, as portrayed, had taken place. It is stated that the



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respondents have no jurisdiction to interfere with the program and dictate the terms of the program.

4. Learned Additional Advocate General appearing on behalf of the respondents submits that earlier there were instances, where the participation of these two speakers led to the law and order issue, as such the police have given the impugned notice. Now, the petitioners have submitted their explanation to that and they will be passing further orders considering the reply that is given by the petitioners. It is further submitted that the whole endeavour of the State is to see that no untoward incident would take place. This precaution they had to take because of the previous experience.

5. Having heard the learned Senior Counsel on behalf of the petitioners and learned AAG appearing on behalf of the respondents, perused the material on record. As per Section 37 of the KP Act, when anyone wants to organize a program, for use of the loudspeakers, they need to make an application to the respondents. Section 39 of the KP Act deals with issue of orders for maintenance of orders and ceremonials and Section 40 of the KP Act deals with police to provide against disorder etc. at places of amusement and public meetings, which read thus:



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" 37. Licensing use of loudspeakers, etc.—(1) Subject to the provisions of section 36 and of any orders made under section 31, no person shall use or operate,— (i) in or upon any premises any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond fifty feet from such premises; (ii) in any open space any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond two hundred feet from the place at which the musical or other sound is produced or reproduced, except under and in accordance with the conditions of a licence granted by the Superintendent or in such local area by such other officer as the State Government, may, by notification in the official Gazette specify in this behalf.

(2) The provisions of sub-section (1) shall be applicable to such area from such date as the Government may by notification in the official Gazette specify. On the application of subsection (1) to any area, no local authority shall, notwithstanding anything contained in any other law, be competent to grant a licence for the use of loudspeakers or other apparatus for amplifying any musical or other sound.

39. Issue of orders for maintenance of order at ceremonials, etc.—(1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in



the town or place wherein it is to operate and all persons concerned shall be bound to conform to the same.

(2) Any order under sub-section (1) shall be subject to a decree, injunction or order made by a court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any person affected by the order aforesaid.

40. Police to provide against disorder, etc., at places of amusement and public meetings.—(1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police Officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) The Police shall have free access to every such place of amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder."

6. In this case, when the petitioners had sought for permission, the respondents have come up with a notice/order



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impugned. By virtue of this notice, they have prohibited the two speakers from participating in the said summit.

7. Article 19(1)(a) of the Constitution of India gives every citizen the right to freedom of speech and expression. Article 19(1)(b) gives the right to assemble peacefully. It is settled law that freedom of speech includes right to express view in public meeting. However, the State has the power to impose reasonable restriction in the interest of public order, security of State, sovereignty and integrity of India, decency or morality and prevention of incitement to offence. The Karnataka Police Act, 1963 permits the police to regulate the public assemblies and processions. They can prohibit the assembly, if there is apprehension of disturbance threat to public peace and tranquility and if there is any risk of violence. The police cannot arbitrarily stop a person from speaking in a public meeting basing on their whims and fancies. When the State is curtailing the citizens' fundamental rights, it shall be based on reasoning and based on some material. In **Anuradha Bhasin Vs Union of India & others¹**, the Apex Court observed that restrictions

¹ AIR 2020 SC 1308



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on speech must satisfy the proportionality test and State must justify the necessity. Just because certain cases are registered against the speakers, that itself cannot be a reason for the police to pass such an order prohibiting them from participating/delivering speech in the Sammelan, which is scheduled to be held on 06.02.2026 and 08.02.2026. The submission of learned AAG that certain cases are registered against these two speakers, in response it is submitted by the Senior Counsel appearing for the petitioners that they had already participated in similar such programs and nothing untoward instance had happened in those programs. This strengthens the case of the petitioners.

8. Be that as it may, the order that is passed by the respondents is bereft of reasons and the respondents cannot curtail the fundamental rights of the citizens in this manner. In that view of the matter, this Court deems it appropriate to pass a following:

ORDER

- i) The impugned notices dated 22.01.2026 bearing Javaka Nos.180 and 181 of 2026



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issued by the respondents are hereby ***set-aside.***

- ii) The representations filed by the petitioners seeking permission shall be considered by the respondents in accordance with law particularly as per the Karnataka Police Act, 1963.
- iii) The respondents are directed to act strictly in accordance with law.
- iv) Accordingly, both the writ petitions are ***disposed of.***
- v) All I.As. in this writ petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

JTR
CT:UMD
List No.: 1 Sl No.: 38