

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 1212 OF 2017  
(Arising out of SLP (Civil)No. 697 of 2012)

DAMAN PRATIRODHA MANCHA

... Appellant

VERSUS

STATE OF ORISSA & ORS.

... Respondents

O R D E R

Leave granted.

We have heard learned counsel for the parties finally at this stage as the counsel for both the sides were ready to advance their arguments.

The respondent-State had issued notification dated 20.06.2006 in exercise of powers conferred by Section 16 of Indian Criminal Law Amendment Act 1908 (Act 14 of 1908) (hereinafter referred to as 'Act') thereby declaring the appellant-association to be an unlawful association with immediate effect. In the impugned notification, the Government took note of certain activities in which the appellant-association was allegedly indulging in, which were termed as unlawful activities.

The appellant filed writ petition before the High Court challenging the said notification on various grounds. One of the grounds taken was that the said Act, under which the

impugned notification was issued, was unconstitutional and violative of Article 19 of the Constitution of India. The High Court has, after allowing the respondent to file counter affidavit and going through the same, dismissed the writ petition. It is, *inter alia*, observed that the activities of the appellant are in the nature of political activities but the appellant is not registered before the Election Commission of India under the Representation of the People Act, 1950. Liberty is, therefore, given to the appellant to file a petition before the Election Commission of India for registering its association as a political party.

We are of the opinion that the High Court has not focussed or dealt with the issue that was involved, viz., validity of the notification dated 20.06.2006 that was passed by the respondent-Government declaring the appellant to be an unlawful association.

Learned counsel for the appellant has referred to the judgment of this Court in '*State of Madras v. V.G. Row*' [1952 (1) SCR 597] wherein similar provisions of Criminal Law Amendment (Madras) Act, 1950, were held to be unconstitutional and outside the scope of authorised restrictions under clause (4) of Article 19.

We, thus, set aside the impugned judgment and remit the case back to the High Court to decide the issue involved in this case afresh on merits.

Since the impugned notification is of the year 2006, the High Court is requested to decide the case as expeditiously as possible.

We may make it clear that this Court has not considered the merits of the case and it will be open to the High Court to decide the issue in the light of arguments that would be advanced by both the parties.

Appeal disposed of in aforesaid terms.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ R.K. AGRAWAL ]

New Delhi;  
January 30, 2017.

ITEM NO.2

COURT NO.7

SECTION XIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 697/2012

(Arising out of impugned final judgment and order dated 18/04/2011  
in WP No. 9742/2006 passed by the High Court of Orissa at Cuttack)

DAMAN PRATIRODHA MANCHA

Petitioner(s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(With interim relief and office report)

Date : 30/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)

Mr. Abhishek Atrey, Adv.

Mr. Suresh Chandra Tripathy, Adv.

For Respondent(s)

Mr. Shibashish Misra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed  
order.

(Nidhi Ahuja)  
Court Master

(Mala Kumari Sharma)  
Court Master

[Signed order is placed on the file.]