

News

It is legal for homeowners to peacefully demonstrate against builders: The Supreme Court

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On Thursday, the Supreme Court ruled that homeowners have the right to peacefully demonstrate against builders.

The remark was made by the bench of **Justices JB Pardiwala and KV Viswanathan** when they dismissed a defamation suit brought against Mumbai apartment buyers by a real estate company.

In the defamation lawsuit, the apartment owners had contested the summons' issuance.

"Homeowners as consumers enjoy the right to peaceful protest as it is the right of consumers as builder has the right to free commercial speech," the court stated today.

The Court further stated that a High Court may investigate whether the exceptions to the defamation offense are established in a petition to have a defamation complaint quashed.

"We have held that following judgment of our court we have stated that this court can examine if any exception to 499 is applicable even at the stage of section 482 CrPC," added the judge.

The problem started when M/s A Surti Developers Private Limited filed a defamation lawsuit against some homeowners, claiming that the accused put up banners and boards in Hindi and English that were visible to the general public and contained untrue, baseless, and disparaging remarks about the builder.

The defamation lawsuit was handled by a Metropolitan Magistrate in 2016. The current appeal before the highest court results from the Sessions Court and the Bombay High Court later upholding the lower court's ruling.

The Supreme Court ruled today that the banners put up by the irate flat buyers did not contain any profanity or indecent language.

"Language is a vehicle of communication and the posters only highlighted the grievance they were facing and the language was carefully chosen by the home owners," the ruling stated.

The Court further stated that it was crucial to decide if the terminology employed went beyond its bounds.

"We have talked about the right to peaceful protest, and since this protest was nonviolent, the Laxman Rekha was not violated, and any criminal charges against them would be an abuse of the legal system. Similar to a builder's right to free commercial speech, consumers have the right to peaceful protest. Consequently, it directed that the homeowners' complaint be invalidated.