

Court No. - 40

Case :- WRIT - C No. - 27270 of 2023

Petitioner :- Arti Devi

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Santosh Kumar Pandey, Shalini Sharma

Counsel for Respondent :- C.S.C., Hari Narayan Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State respondent.
2. The present writ petition has been preferred for mandamus commanding the respondent no. 1 to 7 to ensure the security and safety of the petitioner.
3. Learned counsel for the petitioner submits that petitioner claims to be owner of land in question. As there is illegal encroachment in the property in question by the private respondent no. 9 to 12, she has moved detailed representation before respondent authorities but no action has been taken.
4. Learned Standing Counsel for the State respondent has raised a preliminary objection regarding maintainability of the writ petition on the ground that the State Government has issued a Government order dated 9th May, 2014 for providing security, which provides that actual threat perception should exist and that on a mere apprehension security could not be provided. Further, the background, antecedent, criminal history and misuse of security are also relevant considerations to be examined objectively firstly by the District Level Committee. While considering the application for grant of security cover, the background antecedents, criminal history and misuse of security are relevant considerations, which are to be examined firstly by the District Level Committee. In case, the petitioner is aggrieved with the order of District Level Committee, she can approach the Regional Level Committee and thereafter the State Level Committee.

5. In **Writ C No. 32729 of 2016 (Shrikant Tyagi vs. State of UP and 3 ors.)** decided on 20.7.2016, this Court has observed that if the threat perception is still being received, it is open to the petitioner to move an application as per the Government Order dated 9.5.2014. In case any application is moved by the petitioner, it is always expected that the district authority concerned will consider the said application in accordance with law.

6. Considering the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition is disposed of asking the petitioner to move an appropriate application as contemplated under law before the District Level Committee. In case, such application is moved by the petitioner within two weeks, the same shall be processed within four weeks further time but certainly after taking necessary comments from all the stake holders in the matter.

Order Date :- 22.11.2023

Vikram