

Court No. - 40

Case :- WRIT - C No. - 33807 of 2023

Petitioner :- Sangeeta Devi And 5 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Awadhesh Kumar Sharma, Indresh Chandra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Awadhesh Kumar Sharma, learned counsel for the petitioners and Sri P.K. Pandey, learned Standing Counsel for the State-respondents.

2. The petitioner has preferred the instant writ petition with the following reliefs:

"1. Issue a writ, order or direction in the nature of mandamus commanding to respondent authorities to provide appropriate protection to petitioners to live in their houses situated in Village - Mohiddinpur, Gospur, Post - Mahagaon, Kachhar, District - Kaushambi."

3. Learned counsel for the petitioners submits that in the night of 15.09.2023 some miscreants armed with country made pistols entered in the house of the petitioners and after committing marpeet and loot set their house at fire. On information police force, fire brigade came there and controlled the situation. For the said incident and F.I.R. under Section 147, 148, 149, 302, 34 I.P.C. and Section 7 Criminal Lam Amendment Act, 1989 and Section 3(2) (v) of SC/ST Act, 1989 was lodged against eight persons. It is submitted that on account of terror of the aforesaid miscreants they have left their Village. In this backdrop, learned counsel for the petitioners submits that as there is threat perception to the petitioner and, therefore, the representation was made for providing protection.

3. Learned Standing Counsel for the State Respondent has raised 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 applicants are aggrieved with the order of District Level Committee, they can approach the Regional Level Committee and thereafter the State Level Committee.

4. 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 concerned District Authority will consider the said application in accordance with law.

5. Considering the facts and circumstances of the case, in our view, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition is disposed of asking the petitioners to move an appropriate application as contemplated under law before the concerned 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 stakeholders in the matter.

Order Date :- 30.10.2023

S.P.