

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2015

CORAM

THE HONOURABLE MR. JUSTICE V. DHANAPALAN

W.P.No.15222 of 2015
& M.P.No.1 of 2015

Hasan Mohamed Jinnah

... Petitioner

Vs.

The Director General of Police
Kamarajar Salai
Chennai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the Respondent herein to consider the representation of the petitioner dated 21.05.2015 and provide adequate and necessary police protection to the petitioner and his family members of atleast four armed guards.

For Petitioner : Mr.Haja Mohideen Gisthi
For Respondent : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

By consent, the Writ Petition itself is taken up for final disposal at the time of admission. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondent.

2. The petitioner has filed this Writ Petition praying for a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 21.05.2015 and provide adequate and necessary police protection to the petitioner and his family members, of atleast four armed guards.

3. The petitioner is a practicing advocate in High Court of Madras and a former Additional Public Prosecutor (Co-ordination) at the Madras High Court. He had handled a lot of sensitive and sensational cases, like Sarka Shah Eve Teasing Case, Coimbatore Bomb Blasts cases, etc. Consequent to the threat to his life and property, on his request, the State Government provided police protection to him in the year 2009. Three Armed Guards and a police vehicle were provided as security coverage. Subsequently, on 24.5.2011, the State Government has withdrawn the same without any

prior intimation. Thereafter, he was appointed as Regional Advisor (Asia-Pacific) for UNESCO Centre and the Good Will Ambassador (Asia-Pacific) for International Human Rights Commission. There is a considerable threat to the petitioner and his family members, especially from anti-national and anti-Tamil forces, Terrorists and Maoists. Since his request for police protection has not evoked any response, he has filed a Writ Petition before this Court in W.P.No.7185 of 2014 and this Court passed an order dated 1.7.2014, directing the respondents to give necessary and adequate police protection to the petitioner on need basis. Since the said order was not implemented in its letter and spirit, he has filed a Contempt Petition No.2925 of 2014 before this Court. In the said Contempt Petition, this Court passed the following order on 6.11.2014:

"7. In view of the undertaking given by the learned Additional Advocate General and also taking into consideration the plea made by the Additional Commissioner of Police in the status report that the petitioner has to be given armed protection, for which, necessarily the respondents have to be given some time well in advance, it is hereby made clear that whenever the petitioner wants to go outside the District, he is expected to make request atleast giving 24 hours notice in advance and in case of any emergency, on need basis for the visits or meetings or demonstrations within City, the petitioner shall approach the Assistant Commissioner of Police, Royapettah, who will be the concerned officer, in whose jurisdiction the petitioner resides immediately, to take immediate steps to give necessary police protection to the petitioner in accordance with the earlier order and the undertaking now given in the Court. Since the petitioner apprehends danger to his life, it will be the endeavour of police to give such protection for his safety.

8. The undertaking given by the Additional Commissioner of Police, Head Quarters, Greater Chennai Police, in paragraph No.6 of the status report, thereby agreeing to give police protection to the petitioner on need basis by complying with the order dated 1.7.2014 in letter and spirit is recorded. The Contempt Petition is closed for the present with liberty to approach this Court as and when required. After the petitioner fulfilling the formalities as observed above also, if his request to give police protection in case of threat to his life is not given, he is always at liberty to approach this Court, if required."

4. Pursuant to the above order, the Assistant Commissioner of Police, Royapettah provided only one armed guard from 15.12.2015 till date. On 20.5.2015 at about 11 p.m., when the petitioner was working

in his office, he received a threatening call. The petitioner also lodged a complaint to the concerned police with regard to the said threat. According to the petitioner, providing police protection by a single person is not sufficient to him. Therefore, the petitioner furnished a detailed representation dated 21.5.2015, seeking adequate police protection. Since there has been no response, the petitioner has come up with the present Writ Petition with the aforesaid prayer.

5. In support of his contention, the learned counsel for the petitioner relied on the order passed by the Division Bench of this Court dated 5.11.2013 in M.P.No.1 of 2013 in W.P.No.27710 of 2013, wherein the Division Bench held as follows:

"6. Considering the facts and circumstances and the peril faced by the said Dr.Ramadoss and Dr.Ambumani Ramadoss, who are political leaders of P.M.K.Party and the threat perception, which was noticed by the learned Single Judge, while disposing of the earlier writ petition, viz., W.P.No.21180 of 2013, due to Marakkanam and Dharmapuri incidents and having regard to the final report filed on 21.2.2013, due to Marakkanam and Dharmapuri incidents and having regard to the final report filed on 21.2.2013 by the Inspector of Police, Mylam Police Station, Villupuram District against 11 accused persons, who threaten to destroy the house of the said Dr.Ramadoss, by using petrol-bomb, we are of the firm view that the said two persons, viz., Dr.Ramadoss and Dr.Ambumani Ramadoss, are each entitled to get interim police protection atleast by two armed police personnel round-the-clock from 6.00 p.m today pending further orders. The learned senior counsel for the petitioner submitted that as of now, the said two persons are at Chennai and their Chennai address is No.10, Tilak Street, T.Nagar, Chennai-17.

6. Having regard to the facts and circumstances of the case and in view of the bona fide apprehension of the petitioner expressed in the representation made to the authorities concerned, it would be appropriate to direct the respondent to consider and dispose of the representation of the petitioner dated 21.5.2015 in respect of providing adequate and necessary police protection to him and his family members, with required number of armed guards, in accordance with law and on merits, within a period of two weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

ajr

s/d-
Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

The Director General of Police
Kamarajar Salai
Chennai.

+ 1 cc to Govt.Pleader SR 25561

+ 1 cc to M/s.Haja Mohideen Gisthi,Advocate SR 7100

ku(co)
prk4/6

W.P.No.15222 of 2015



WEB COPY