

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16199 of 2014

A.Radhakrishnan

... Petitioner

Vs.

1. The Home Secretary,
Secretariat, Fort St.George,
Chennai

2. The District Collector
Salem District,
Salem 636 001

3. The Commissioner of Police,
Salem City,
Salem

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents more particularly to the third respondent to provide necessary police protection as per communication C.No.34/camp/cop/2014 dated 14.02.2014 provided 2-armed PSOs(Personnel Security Officers) one at time round the clock from the armed reserve Salem City.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mrs.A.L.Gandhimathi

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The present writ petition has been filed seeking a writ of Mandamus directing the respondents more particularly the third respondent to provide necessary police protection as per communication C.No.34/camp/cop/2014 dated 14.02.2014 provided 2-armed PSOs(Personnel Security Officers) one at time round the clock from the armed reserve Salem City.

3. The case of the petitioner is that he is an

agriculturalist by profession and the petitioner's wife is a Teacher at Government School, Salem. They have two daughters who are studying in the Government School, Salem Town. He is the Secretary of an unregistered voluntary organization by name of 'Thiru Tondargal Sabhai'. The petitioner voluntarily used to take efforts to identify the encroachers and unauthorized occupants of the Temple lands in and around the State of Tamilnadu more particularly in the Districts of Salem, Coimbatore, Tiruppur, Namakkal and Karur, in order to retrieve the same from the illegal occupants. Till now, the petitioner has retrieved more than thousand acres of Temple lands in the above Districts.

4. Further, it is the case of the petitioner that at present the petitioner has identified four thousand acres of Temple land encroached by encroachers in Karur District. Similarly another 3400 acres of the temple land encroached by encroachers in Trichy District. The petitioner is also one among the Kattalai Dharar of Sri Arulmighu Sugavaneswarar Swamy Temple at Salem. Since, there was apprehension and imminent danger to his life and body, the Tamilnadu Government gave necessary police protection to the petitioner with two Personnel Security Officers from 23.07.2013. The protection was given by the orders of the third respondent on the instructions of the first respondent. All of a sudden on 30.11.2013, the protection given by the third respondent was withdrawn without prior intimation or any information. Due to the action initiated by the petitioner as against the encroachers of the Temple, now there are several unknown enemies to him. In this regard, the petitioner has given a representation to the respondent police. In this situation, on 04.06.2014, the third respondent without any prior intimation withdrew 2-armed PSOs (Personnel Security Officers) one at time round the clock from the armed reserve Salem City.

5. The third respondent has also filed a counter opposing the prayer of the petitioner stating that the Personnel Security Officers were withdrawn on 30.11.2013 as it was felt that Personnel Security Officers are no longer necessary since there was no report or information of threat to the life of the petitioner. So, the withdrawal of Personnel Security Officers is neither arbitrary nor unacceptable. There is no report or intelligence information of threat to the life of the petitioner. The Personal Security Officers given to the petitioner were withdrawn on 30.11.2013 as there was no threat to the life of the petitioner. It is submitted that there is no threat to the life of the petitioner at present. As per the intelligence input, Personnel Security Officers cannot be provided to the petitioner or any other individual. Thus, he sought for dismissal of the petition.

6. When the matter was taken up for consideration, the

learned Counsel for the petitioner submitted that the petitioner has initiated action against the encroachers for encroachment of the Temple land. Therefore, there are unknown enemies. Infact, on 15.07.2014, the District Collector, Salem recommended to provide police protection to the petitioner stating that there is an imminent threat to the petitioner's life and body. The petitioner also invited the attention of the recommendation letter given by the District Collector, Karur on 15.04.2015 to provide police protection to the petitioner. Thus, he sought for direction to the respondent police to provide necessary police protection as per communication C.No.34/camp/cop/2014 dated 14.02.2014 provided 2-armed PSOs(Personnel Security Officers) one at time round the clock from the armed reserve Salem City.

7. The learned Additional Government pleader vehemently opposed stating that the police protection earlier given to the petitioner was withdrawn as early as on 30.11.2013 since the third respondent has felt that there is no need to continue the police protection. Absolutely, there is no incumbent circumstances warranting the third respondent to provide police protection to the petitioner.

8. Considering the submissions made on either side and on perusal of the materials placed before this Court, more particularly, the recommendation made by the District Collector, Salem, dated 15.07.2014 as well as the letter of the District Collector, Karur, dated 15.04.2015, I find that the respondent has not denied the case of the petitioner that he is regularly initiating action against the encroachment of the Temple land. In this situation, I am of the opinion that it would be appropriate to direct the respondent to consider the representation of the petitioner in the light of the letter of the District Collector, Salem.

9. Accordingly, this Court is constrained to pass the following order:

The petitioner is directed to give a fresh representation along with a copy of this order to the third respondent within a period of two weeks from the date of receipt of a copy of this order and the third respondent on receipt of the same is directed to consider the same in the light of the recommendation of the District Collector, Salem dated 15.07.2014 and pass appropriate orders for providing two Personnel Security Officers within a period of three weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn/mrp

To

1. The Home Secretary,
Secretariat, Fort St.George,
Chennai
2. The District Collector
Salem District,
Salem 636 001
3. The Commissioner of Police,
Salem City, Salem
4. The Public Prosecutor
High Court, Madras

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AD(CO)
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