

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.30695 of 2016

and

W.MP.No.26593 of 2016

K.Balu

.. Petitioner

Vs

1.The State of Tamil Nadu

Rep. By its Principal Secretary to Government
Home Department, Secretariat,
Chennai-600 009.

2.The Director General of Police

Kamarajar Salai, Mylapore,
Chennai-600 008.

3.The Commissioner of Police,

Greater Chennai, Vepery,
Chennai-600 003.

4.The Inspector of Police

K4, Anna Nagar Police Station,
Chennai-600 040.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to provide adequate police protection to the petitioner and his family based on the representation dated 08.08.2016.

For Petitioner : Mr.N.L.Rajah, Senior Counsel
for M/s.M.R.Jothimanian

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This writ petition is filed to direct the respondents to provide adequate police protection to the petitioner and his family based on the representation dated 08.08.2016.

2. The petitioner is practising as an advocate in the High Court, Madras and is the President of the Legal Wing of Pattali Makkal Katchi (PMK). He also acts as its spokesperson. The petitioner had participated in a Television programme in which he appears to have made some candid remarks which has been misconstrued by a certain group and hence he has been receiving threatening messages. Therefore, the petitioner is before this Court for a direction to the respondent police to provide him police security.

3. Heard Mr.N.L.Rajah, learned Senior Counsel appearing for the petitioner. In support of his contention, the learned Senior Counsel relied on the judgment of the Supreme Court of India in S.M.D.Kiran Pasha Vs Government of Andhra Pradesh and others [(1990) 1 SCC 328] wherein, it is held that it is the duty of the State to protect the life of a person .

4. This Court has no quarrel with the aforesaid proposition of law laid down by the Supreme Court. Of course, the said proposition was laid down in the context of challenge to the detention order passed against the petitioner therein.

5. The learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, the police conducted enquiry and registered a case in Crime No.633 of 2016 and have arrested one person and are looking out for others.

6. As regards the mandamus to the respondent police to give police protection to the petitioner, this aspect can be decided by the executive, bearing in mind the threat perception to the individual. Hence, this Court cannot sit in judgment over the decision of the executive in this regard and issue mandamus as prayed for by the petitioner.

7. Learned Additional Public Prosecutor submitted that the police have already put a pass book at the residence of the petitioner and the police are on continuous beat duty. Learned Additional Public Prosecutor also produced a copy of the pass book.

8. In view of the above, the respondent police is directed to consider the threat perception to the petitioner and take action accordingly.

With the above direction, this petition is closed.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government
Home Department, Secretariat, Chennai-600 009.
- 2.The Director General of Police
Kamarajar Salai, Mylapore, Chennai-600 008.
- 3.The Commissioner of Police,
Greater Chennai, Vepery, Chennai-600 003.
- 4.The Inspector of Police
K4, Anna Nagar Police Station,
Chennai-600 040.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Jothimanian, Advocate Sr.50994

W.P.No.30695 of 2016

sk[co]
srg 26/09/2016

सत्यमेव जयते

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