

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.3381 of 2008

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Home (TS) for respondents.

2. The petitioner claims to be an active member of Congress Party since 1995 . His father was murdered by political rivals on 14.03.1985. In pursuance of the request made by him in the year 1996 to the first respondent, security was provided. However, the security provided to the petitioner was withdrawn in the year 1998, challenging which, he filed W.P.No.30210 of 1998 and the same was dismissed at the admission stage on 23.11.1998. He filed W.A.No.2148 of 1998, wherein this Court directed the respondents to provide security. Accordingly, security was provided to the petitioner, and on providing such security, the said writ appeal was dismissed as infructuous. The said arrangement continued till August, 2006, and without assigning any reason, the security was withdrawn. The petitioner submitted a representation on 19.09.2007, but no orders were passed thereon. The present writ petition was filed challenging the action of the respondents in not providing security to the petitioner, which was done till August, 2006.

3. A counter-affidavit was filed by the third respondent stating that the petitioner was provided with security till August, 2006. However, the same was withdrawn as per SRC proceedings dated 18.05.2006. On the representation of the petitioner, the SRC reviewed the security and the representation was rejected, by proceedings dated 05.01.2008. It was also stated in the counter that the petitioner is having criminal background and he was involved in 20 cases during the period 1984-1998. In view of the guidelines issued in G.O.Rt.No.655, Home (SC.B) Department, dated 13.03.1997, security was not provided to the petitioner

because of his criminal background. It is also stated that the State Government cannot provide police protection to all the people on individual basis in view of lack of financial resources and absence of trained man power.

4. The learned counsel for the petitioner submits that the order of rejection was not communicated to the petitioner and in fact the petitioner was acquitted in all the criminal cases, which were filed against him.

5. Since the present writ petition was filed wayback in the year 2008, and in view of the changed geographical and political situation, it is desirable that the petitioner be given liberty to submit another representation to the third respondent within 15 days from the date of receipt of a copy of this order, upon receipt of which, the third respondent shall review the threat perception and the criminal history, if any, and pass appropriate orders thereon in accordance with law, as expeditiously as possible, but not later than three months from the date of receipt of the representation.

6. The writ petition is, accordingly disposed of without expressing any opinion on the merits of the case. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 28.03.2016

TJMR