

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4618 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, to set aside the Notice C.No.31/SB-X1/2016 dated 06.02.2016 issued by the 3rd Respondent, questioning the high handed action of the Respondents herein, in withdrawing the security cover with 1+1 security personnel provided to the petitioner since 2014, unilaterally, high handedly, without issuance of any notice to the Petitioner, as highly illegal, arbitrary irrational, unconstitutional and in violation of principles of natural justice and to consequently, restore the 1+1 security cover provided to the petitioner earlier and to pass such other order or orders may deem fit and proper in the circumstances of the case.’

By interim order dated 15.02.2016, this Court took note of the fact that no notice had been given to the petitioner prior to withdrawal of the security cover and accordingly granted suspension of the notice dated 06.02.2016 whereby the security cover was withdrawn and directed restoration of 1+1 security to the petitioner.

Learned Special Government Pleader appearing for the State would point out that in the light of the law laid down by this Court in W.P.No.23563 of 2014 vide final order dated 26.09.2014, the withdrawal of security necessarily had to be preceded by due notice. He would therefore submit that the State authorities may be permitted to follow the due procedure.

In that view of the matter, the writ petition is disposed of leaving it open to the respondent authorities to give notice to the petitioner in the event they propose to withdraw the security cover provided to him and adhere to the principles of natural justice. Pending such exercise, the security cover already provided pursuant to the interim order granted by

this Court shall be continued. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

26th APRIL, 2016
Svv