

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1316 of 2013

Mr.Shiv Kumar Nair

.. Petitioner

.vs.

1.Home Secretary,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

2. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai - 8.

3. Kanagaraj

..Respondents

(R3 impleaded as per order dr.27.02.2014
in Mo.1/2013 in W.P.No.1316/2013)

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Mandamus directing the respondents to provide to the petitioner
personal security guard to safeguard his right to life subject
to any condition that may be imposed by this Hon'ble Court.

For Petitioner: Mr.SJ.Deliban

For Respondents: Mr.D.Raghu (for R1 and R2)
Government Advocate

Mr.K.V.Sundararajan (for R3)

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O R D E R

The relief sought for in this writ petition is for a
direction to direct the respondents to provide the petitioner a
personal security guard to safeguard his right to life subject
to any condition that may be imposed.

2. The learned counsel for the petitioner states that the writ petitioner had received a threatening call from Phone No.9944929885. Thus, he preferred a complaint before the Inspector of Police, B2, Esplanade Police Station, Chennai on 04.12.2012. Since no action was taken by the respondent police, he preferred the present writ petition.

3. On perusal of the above complaint preferred by the writ petitioner on 04.12.2012, except stating that the petitioner had received a threatening call from the above phone number, there is no serious threat either to his life or property. Mere receiving of a phone call alone is not sufficient, for the purpose of granting relief of providing a personal security guard in favour of the writ petitioner. This apart, the complaint was preferred on 04.12.2012, and now, after a lapse of about 6 years, the same deserves no further consideration.

4. The learned counsel appearing on behalf of the third respondent states that the writ petitioner was residing in his premises and subsequently a rent control proceedings was initiated before the Small Causes Court, Chennai and the writ petitioner was evicted from the premises belongs to the third respondent. Thus the third respondent has been impleaded unnecessarily. May that it be, this Court is of an opinion the relief of providing a personal security cannot be considered at this length of time, and the complaint made by the writ petitioner on 04.12.2012 also states that the petitioner had received a threatening phone call from the number stated above. This being the factum of the case, the relief sought for is rejected, and accordingly, the writ petition stands dismissed.

Sd/-

Deputy Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

kp/bkn

To

1.Home Secretary,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

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2. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai - 8.

+1cc to Mr.K.V.Sundararajan, Advocate Sr.61183
+1cc to the Government Pleader Sr.60866

W.P.No.1316 of 2013

srg 24/09/2018



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