

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.10768 OF 2011

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for respondent Nos. 1 to 4.

2. The prayer/relief sought in the Writ Petition is as under:

“... to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the respondents in withdrawing the gunmen security (Private Security Officers for 24.7) to the petitioners with effect from 31.3.2011, is arbitrary, illegal, malafide and direct the respondents to forthwith restore the gunmen security to the petitioners as was allowed to the petitioners during the years 2004 to 31.3.2011.”

3. The facts of the case are that the petitioners herein are the son-in-law and the daughter of late Sri Y.S.Rajasekhara Reddy, the then Hon'ble Chief Minister of the unified state of Andhra Pradesh. After his sad demise, the private security officers provided to the petitioners were withdrawn without any notice to them and without passing any orders.

4. Respondent No.4 filed a counter affidavit stating that this Court, while disposing of Writ Petition Nos.291 of 1995, 10432 of 1996, issued instructions and guidelines for providing personal security officers to constitutional and statutory functionaries and to private persons. The Government, after due consideration of the proposal of the then Director General of Police, issued guidelines in GO.Rt.No.655 Home (SCB) Department dated 13.3.1997 framing the following guidelines:

“a) A private person may be provided individual security based on threat perception, duly after getting the advance payment subject to availability of man power with the unit officer concerned.

b) Constitutional functionaries and statutory functionaries have to be provided security at the state's cost, based on the threat perception.

c) A person having criminal back ground should not be given security in case there is a genuine threat from naxalites of PWG or in case he is holding public office, then specific permission from Addl. Director General of Police, Intelligence, who is the nodal authority, should be taken before providing him.

d) In respect of the factional groups, security should not be given to the affected parties since provision of the security to one faction and ignoring request of the other faction is not proper and whenever it is felt necessary to give security to such person, the reasons for doing so shall be recorded by the competent authority.

e) The elder of the political parties who do not occupy “public” office recognized by law are not entitled for protection at the cost of the state.

f) The security given by the unit officer or by the Nodal Authority will be up to a maximum period of 3 months and the action taken as per report.”

5. It is also stated in the counter affidavit that the security Review Committee comprising of Joint Director, SIB; Deputy Director, SIB; DIG (security), DIG (Intelligence), Joint Secretary(Protocol) and IGP (Grey Hounds) as members and Additional Director General of Police (Intelligence) as Nodal authority/convener would meet twice a year in order to review the above guidelines for providing personal security officers and also to consider fresh applications in accordance with the guidelines.

6. It is further stated in the counter affidavit that the personal security officers provided to the petitioners were withdrawn as per the decision of the security Review Committee which met on 5.3.2011 and considered the TPRs furnished by the unit officers. In fact, withdrawal of security was in accordance with the guidelines issued by the Government in GO.Rt.No.655 dated 13.3.1997. It is specifically denied that the withdrawal of the personal security was not informed to the petitioners. In fact, on 29.3.2011 the

petitioners were informed by the Superintendent of Police, Kadapa district who provided security to them, under proper acknowledgements. The copies of the said acknowledgments are enclosed to the counter affidavit. However, since the petitioners are not facing any specific threat, the security Review Committee, 2011 decided to withdraw the security. It is also mentioned that if the petitioners find any fresh input from any corner, they can make a fresh representation to the District Superintendent of Police highlighting the fresh input and their representation would be considered as per the guidelines issued in GO.Rt.No.655 dated 13.3.1997. The withdrawal of private security officers provided to the petitioners is in consonance with law and as per the guidelines framed in the above said GO.Rt.No.655.

7. Having heard both the counsel and from the perusal of the material on record, it is revealed that the petitioners, aggrieved by the action of the respondents in withdrawing the private security officers, filed the present Writ Petition. The basic grievance of the petitioners is that the private security officers allotted to them are withdrawn without any communication and without passing any orders. However, in the counter affidavit, the respondents have categorically stated that the security Review Committee met on 5.3.2011, duly

analysed the security threat perception to the petitioners and decided to withdraw the security as the petitioners do not possess any specific threat. Accordingly, the same was informed to the petitioners on 29.3.2011 under proper acknowledgements. Though copies of the acknowledgements have been filed along with the counter affidavit, the said aspect is not denied by the petitioners by filing any reply affidavit. Therefore, the basis on which the Writ Petition is filed that the personal security officers have been withdrawn without their knowledge and without passing any orders, cannot be countenanced. Further, as stated in the counter if the petitioners find any fresh input from any corner, they can make a fresh representation to the District Superintendent of Police highlighting the fresh input.

8. This Court does not find any merit in the contentions raised by the petitioners.

9. Accordingly, the Writ Petition is dismissed.

10. It is needless to observe that if the petitioners find any fresh input from any corner with regard to threat to their person or property, liberty is given to make a fresh representation to the District Superintendent of Police highlighting the fresh input and in the event of any such

application, the authorities concerned are directed to pass appropriate orders as per law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P.KESHAHA RAO,J

Date: 25.10.2018

KPM

