



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED **12.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **G.K. ILANTHIRAIYAN**

W.P (MD)No.9578 of 2018

and

WMP (MD)No.8839 of 2018

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V.Balasundarakumar

...Petitioner

Vs.

1.The Inspector General of Police,
South Zone,
Madurai.

2.The Deputy Inspector General of Police,
South Zone,
Madurai District.

3.The District Superintendent of Police (Rural),
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court, to issue a Writ of Mandamus, directing the respondents within a time frame, to provide to the petitioner two personal security officers with weapons until further orders, as per the representations made by this petitioner on 18.04.2018.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

The present Writ Petition has been filed seeking a direction to direct the respondents to provide two Personal Security Officers with weapons to the petitioner.

2. The learned counsel for the petitioner submitted that while the petitioner was working as Special Judge for N.D.P.S. Act Cases, he convicted so many persons and after attaining superannuation, he was again appointed as President, District Consumer Disputes Redressed Forum, Madurai. He also retired from the said post and resides at Madurai. He received so many threats from the accused persons, where they were convicted by the petitioner. Therefore, he faces so many life threats from the accused persons and hence, seeks police protection.



3. The learned Government Advocate (Crl.side) appearing for the respondents submitted that the petitioner was retired from the Judicial Service and subsequently, he was appointed as President, District Consumer Disputes Redressed Forum, Madurai. On enquiry, it was found that no threat or offence caused to the petitioner as mentioned in

the petition. According to the Special Branch Report, no threats or offence caused against the petitioner. Therefore, the police protection as requested by the petitioner has not been provided and prays for dismissal of this petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents and perused the materials available on records.

5. The petitioner is the retired Judicial Officer, while he was working as Special Judge for the N.D.P.S. Act Cases, he convicted so many accused persons. Therefore, he has under the threat of the accused persons. According to the respondents, the respondents filed a counter, wherein it has been stated as follows:-

''3. For the averments mentioned in para 6 to 10 after withdrawal of security no threat or offence caused to the petitioner and his family and there is peaceful atmosphere in that area as per the Special Branch report. Hence, police beat was provided to the petitioner area is more than enough for the petitioner.

4. It is submitted that the personal security was not given to the petitioner for the following reason:

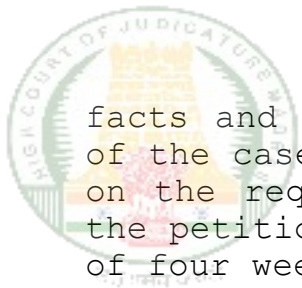
i. So far no orders passed by the Security Branch CID Chennai to give security to the petitioner.

ii. So far no threats or offence caused to the petitioner as mentioned in the petition.

iii. So far as per the Special Branch report no threats or offence caused to the petitioner.

Since the petitioner is a retired Judicial Officer, now presently serving as President District Consumer Disputes Redressed Forum, Madurai. Police beat was regularly provided in the petitioner's area day and night with patta book (entry regarding the signature of the police) personal security is not at all necessary to the petitioner''.

6. The respondent found that the petitioner is not under the threat of any other accused persons. However, considering the above



facts and circumstances of the case, without going into the merits of the case, the second respondent is directed to conduct an enquiry on the request made by the petitioner and consider the request of the petitioner on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

1.The Inspector General of Police,
South Zone,
Madurai.

2.The Deputy Inspector General of Police,
South Zone,
Madurai District.

3.The District Superintendent of Police (Rural),
Madurai District.

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.F.X.EUGUNE, Advocate SR-86428.

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