Item No. 4
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P. (C) No. 435 of 2020

Shri Bijoy Koijam, aged about 58 years old, S/o (L) K. Yaima Singh, former Minister and at present working as President, Manipur National Democratic Front, a permanent resident of Thongju Pheija Leitong, P.O. & P.S. Singjamei, Imphal East District, Manipur – 795008.

……. ***Petitioner***

- Versus –

1. The State of Manipur represented by the Chief Secretary, Government of Manipur, Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Director General of Police, Manipur, having its Office at Police Headquarter, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
3. The Superintendent of Police, Imphal West, Manipur having its office at S.P. Office Complex., Imphal West, P.O. & P.S. Imphal, Manipur – 795001.
4. The Commandant, 4th IRB, Manipur having its Office at Thengu Ching, Koirengei, P.O. Mantripukhri and P.S. Heingang, Imphal East, Manipur – 795002.

…. ***Respondents***

BEFORE

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR

For petitioner	:	Mr. N. Jotendro, Sr. Advocate
For respondents	:	Mr. R.K. Umakanta, G.A.
Date of Order	**:**	**05.08.2020**

ORDER

[1] Heard Mr. N. Jotendro, learned senior counsel appearing for the petitioner and Mr. R.K. Umakanta, learned Government Advocate appearing for the respondents.

[2] The prayer in the writ petition is as follows :-

> ***(ii)*** *issue a writ in the nature of certiorari or mandamus or any other appropriate writ of the like nature for quashing and setting aside the WT Message dated 29.07.2020 thereby directing to release the guard-cum-escorts 4th IRB personnel from the custody of the present petitioner w.e.f. 30.07.2020 at 9:30 hrs coupled with a prayer to direct the DGP, Manipur not to release the guard-cum-escort personnel provided to the present petitioner as there are constant threats to the present petitioner from various unknown miscreants through over phone thereby threatening the live of the petitioner and suspend/ stay the WT Messages dated 29.7.2020 as available at Annexure-A/6."*

[3] WT Message dated 29.07.2020 (Annexure-A/6) reads as follows:-

> *TO : SP(I-E)* ***IN LIEU OF MSG FORM***
>
> *INFO : ADsGP(L&O)(Int)(AP)/IsGP(Zone-I)(Int)DIsGP(R-I)(AP-I)/ SsP(CID)/SB)(Security)(CPCR)/CO 4th IRB/ P.S. to Shri Bijoy Koijam, Ex-Minister/Guard Comdr.*
>
> *FROM : DGP, Manipur*
>
> *NO. : A-6/11/20-IGP(Ops)/ 1124 DATE: 29/07/2020*
>
> *== **Pse detail 03 (three) CP & 05 (five) armed VDF from District Police, Imphal East** and take over the guard-cum-escort of Shri Bijoy Koijam, Ex-Minister at Thongju from 4th IRB on 30/07/2020 at 0930 hrs to act as guard-cum-escort duty till further orders (.) The detailed guard-cum-escort personnel are to be taken as single unit and not to be split-up and should move along with PP only during movement (.) Pse ensure that the detailed guard-cum-escort are briefed properly about their duties before posting there and should be self-contained accordingly (.) Standing orders of the guard-cum-escort be issued immediately with a copy marked to this office (.) Pse report compliance (.) **For CO 4th IRB only** (.) Pse withdraw the guard-cum-escort personnel of 4th IRB presently provided to Shri Bijoy Koijam, Ex-Minister as and when taken over by District Police, Imphal East on 30.07.2020 at 0930 hrs (.) **For P.S. to Shri Bijoy Koijam, Ex-Minister only** (.) Pse release the guard-cum-escort personnel of 4th IRB presently provided to you with direction to report back to CO 4th IRB as and when taken over by District Police, Imphal East*

personnel on 30/07/2020 at 0930 hrs (.) Further, pse arrange accommodation, physical security, basic amenities, etc. for the guard-cum-escort personnel of District Police, Imphal East at your private residence well in time and also arrange separate 01(one) light vehicle with necessary fuel for use by the house guard-cum-escort personnel during escort duty as and when required(.) ==

CRASH.

(Rojit Irom)
Staff Officer to IGP (Ops)
For DGP, Manipur."

[4] The petitioner claims that he is a former Minister, elected from Thongju Assembly Constituency in the year 2002. He held several posts in the Government. In Sepember, 1995, he was attacked by a group of armed assailants while he was working as a journalist. He suffered various bullet injuries and he was treated in JNIMS hospital. The details of FIR and medical certificates are annexed as Annexure-A/1. Thereafter, the State Government provided escort-cum-house guard and has been continuing from time to time. He further stated that in 2008, some unknown extremists hurled hand grenade at his house after he became MLA for which FIR has been registered. He also refers to incidents of 2012 where Chinese made Hand Grenade was kept at his residence and another attempt was made to plant bomb (IED) at his residence.

[5] The petitioner claims that he is presently the President of the Manipur National Democratic Front (MNDF). He also pleads that there has been extortion demand by certain underground groups. In 2017, there was an explosion near his residence for which an FIR has been registered (Annexure-A/4). He states that in 2019, his escort-cum-house guard was removed due to shortage of security personnel due to election and he preferred a

representation to the Governor of Manipur on 09.08.2019 for restoration of the security cover and the same was restored by WT Message dated 10.02.2020. Thereafter, the present impugned order has been passed replacing one set of security and escort by another set. Hence, the writ petition has been filed.

[6] As is evident from the WT. Message dated 29.07.2020 (Annexure-A/6), there is no withdrawal of the house guard-cum-escort. On the contrary, that responsibility has been assigned to the District Police, Imphal East. According to the petitioner, the earlier arrangement should be restored. In this regard, the petitioner has made representation dated 31.07.2020 to the Chief Secretary who is in-charge of the Home Department, Government of Manipur (Annexure-A/7) and to the Director General of Police, Manipur(Annexure-A/8).

[7] Mr. R.K. Umakanta, learned G.A. refers to the impugned order and pleads that there is no serious error in the order because the guard-cum-escorts are assigned from time to time based on the availability of the armed personnel of a particular division and also based on the ground situation. Sometimes, there will be deployment or re-deployment of armed guard-cum-escort as per security protocol. In the present case, it is clearly stated that guard-cum-escort of 4th IRB should report back to CO of 4th IRB and thereafter the District Police, Imphal East should provide guard-cum-escort to the petitioner. That being the case, the petitioner cannot hold any grievance that he has been denied house-guard-cum-escort . The authorities have taken into consideration the need for house guard-cum-escort so as to protect the petitioner and suitable instructions have been given. Therefore, the

petitioner's plea that security cover has been withdrawn does not appear to be correct. It is a misconceived plea.

[8] However, since the petitioner has made a representation dated 31.07.2020 (Annexure- A/7 & A/8) seeking to retain the earlier house guard-cum-escort of 4th IRB for some reasons stated therein such representation to be considered by the competent authority on its own merits expeditiously.

Writ petition stands disposed of as above.

CHIEF JUSTICE

Sandeep

FR/NFR

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