Item No. 16
(Through Video Conferencing)

Yumkham Rother
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IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.(C) No. 472 of 2020

Shri Haobijam Gitajen Meitei, aged about 39 years old, S/o H. Lukhoi Meitei, presently working as General Secretary (Admn.) of the Manipur People's Party (MPP) with its office at Khwairamband Bazaar near Polo Ground, a resident of Thanga Karang, P.O. & P.S. Moirang, Bishnupur District, now at present residing at Ghari Awang Leikai, Imphal West, P.O. Tulihal & P.S. Lamphel, Manipur – 795140.

....*Petitioner*

- Versus -

1. The State of Manipur represented by the Chief Secretary/Special Secretary, Home, Government of Manipur, Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

2. The Director General of Police, Manipur, 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 Superintendent of Police, Bishnupur District, Manipur having its office at office of Superintendent of Police Complex, Bishnupur, P.O. & P.S. Bishnupur, Manipur – 795126.

...*Respondents*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR

For the petitioner : Mr. N. Jotendro, Senior Advocate

For the respondents : Mr. RK. Umakanta, G.A.

Date of hearing & order : 08.12.2020.

O R D E R

[1] Heard Mr. N. Jotendro, learned senior counsel appearing for the petitioner and Mr. RK. Umakanta, learned G.A. appearing on behalf of Mr. S. Nepolean, learned G.A. for the respondents.

[2] Petitioner claims to be General Secretary of Manipur People's Party having found its office at Khwairamband Bazar, Pologround. Prayer in the writ petition reads as follows :

> *"(i) Issue writ in the nature or certiorari or mandamus or any other appropriate writ of the like nature for quashing and setting aside the impugned WT Message dated 19.08.2020 as illegal as the said order cannot be issued by the S.P. Imphal West as the escort of the petitioner was given in compliance with the Hon'ble Court's order dated 16.09.2019 passed in M.C.[W.P.(C)] No. 175 of 2019 Ref. W.P. (C) No. 254 of 2019 coupled with a prayer to strictly implement the order dated 14.10.2019 issued by the Superintendent of Police, Imphal West District, Manipur and also to consider and dispose of the representation dated 22.08.2020 preferred by the petitioner to the (1) Chief Secretary (Home), Government of Manipur, having its office at Old Secretariat South Block, Imphal – 795001, (2) The Director General of Police, Manipur, Imphal and (3) the Superintendent of Police, Imphal West, Manipur, Imphal within a stipulated a period;*
>
> *(ii) Kindly consider and dispose of the representation dated 22.08.2020 as available at Annexure – A/11 pending final disposal of the instant writ petition and till such representation has been disposed of the petitioner may be permitted to utilize his house guard-cum-escort as usual in terms of the WT Message dated 06.04.2016 issued by the Inspector of Police, i/c I.G. of Police (AP/Ops), for D.G. of Police, Manipur."*

[3] Notice was ordered on 02.09.2020. Mr. Nepolean, learned G.A. took notice for the State and thereafter, an affidavit-in-opposition has been filed by the respondent No. 3. In the affidavit, it has been stated that pursuant to W.P.(C) No. 1119 of 2018, representation dated 15.11.2018 was considered. Thereafter, W.T. Message 03-04-2019, orders dated 26-03-2019 and 04-04-2019 have been issued

by the competent authorities providing security coverage at the office of the Manipur People's Party near Imphal, Pologround and to the residence of the writ petitioner. The petitioner has filed another writ petition being W.P.(C) No. 254 of 2019 seeking security for his personal safety and the same was disposed of.

[4] The respondent No. 3 has been providing security in and around the residence of the writ petitioner. However, the request for providing escort to the petitioner was considered and it was not granted because of several facts which are as follows :

(a) The State Police is taking intense security measure against the underground organisations and their agents operating in the District. So, it is not practicable to provide escort to each and every individuals who receive intimidation from underground organizations because of manpower constraints.

(b) Static guards or area domination including patrolling are arranged.

(c) Any untoward incidents brought to the knowledge of the Police are immediately attended to and effective steps taken to check such underground organization from causing trouble to individual or to the society.

[5] The respondent No. 4 states that providing security coverage in and around the residence will continue besides intensive mobile patrolling. A special order has been issued on 10.10.2019 (Annexure – A/6 to the writ petition).

[6] The respondent No. 3 pleaded that no further indulgence can be shown. A further representation dated 15.10.2020 has been made to the (1) Chief Secretary (Home), Government of Manipur, (2) Director General of Police,

Manipur, Imphal and (3) Superintendent of Police, Imphal West, Manipur (i.e. respondent No. 3) as a reminder. It has also been filed as a part of the additional affidavit dated 19.10.2020.

[7] Mr. N. Jotendro, learned senior counsel appearing for the petitioner seeks direction from this Court to direct the respondent authorities to consider the representation dated 22.08.2020 as well as the reminder dated 15.10.2020 stating that fresh facts have been provided in the representation. There appears to be no serious error in the stand taken by the respondents. The successive representation on the same issue is unsustainable. If fresh and new facts are placed in the last representation, it can be looked into.

[8] In the above backdrop, the respondent No. 2 is directed to consider the representation 22.08.2020 as well as 15.10.2020 (reminder) and verify whether there is any merit in the request for providing personal security / escort based on fresh facts. No direction can be issued to the respondents No. 1 & 3 at this juncture.

[9] Writ petition stands disposed of with the above direction.

CHIEF JUSTICE

FR/NFR

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