



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.3062 of 2020

H.T.Sathiyadhass

... Petitioner

Vs

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 9.

2.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

3.The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.

... Respondents

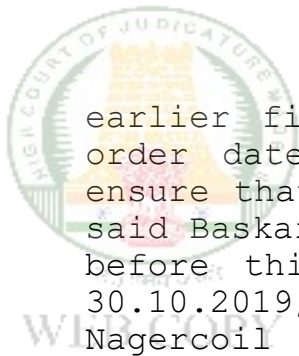
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its order bearing Na.Ka.No.C3/47005/2019 dated 16.12.2019 and to quash the same and consequently direct the respondents to grant gun man protection to the life and limb of the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents :Mrs.M.Ananathadevi
Govt. Advocate (Crl. Side)

ORDER

The petitioner was running a liquor bar. The petitioner's landlord Selvam wanted the petitioner to vacate the premises. Since the petitioner did not comply with the said demand with the assistance of one Baskaran who was the local Inspector of Police, the petitioner is said to have been thrown out. The petitioner lodged a complaint. According to the petitioner, as a result, he has earned the ire of the said Baskaran. The petitioner had



earlier filed Crl.O.P.(MD)No.3480 of 2017 before this Court. By order dated 14.06.2017, this Court directed the local police to ensure that no physical harm befalls the petitioner herein from the said Baskaran or Selvam. The petitioner filed a fresh writ petition before this Court in W.P.(MD)No.15657 of 2019. By order dated 30.10.2019, the Superintendent of Police, Kanyakumari District at Nagercoil was directed to consider the petitioner's representation dated 20.06.2019. The petitioner has been asking for a gun man protection. The said request was negatived by the second respondent herein vide the impugned memorandum dated 16.12.2019. The Superintendent of Police has clearly observed that there is no life threat as apprehended by the petitioner herein. However, it has been further mentioned in the memorandum that through police beet arrangement, a watch is being kept and if the petitioner is having any issue he could always move the local police station.

2.I am of the view that the impugned memorandum does not call for any interference. Since the said Baskarn has been retransferred to Kanyakumari Distrct as Deputy Superintendent of Police, his apprehension is having some basis.

3.The Superintendent of Police is directed to take note of the apprehension expressed by the petitioner herein and communicate the petitioner's apprehension to the said Deputy Superintendent of Police Baskaran. I would make the very same observations made in Crl.O.P.(MD)No.3480 of 2017. Which runs as follows:-

''4.Be than as it may, since this petitioner is in loggerheads with the police, Justice demands that he should be given sufficient protection so that no harm befalls him. Therefore, this Court directs the respondent police to ensure that no physical harm befall the petitioner from the said Baskaran and Selvam.

5.With the above direction this criminal original petition is closed.''

4.With these observations, this writ petition is disposed of. No costs.

Sd/-
ASSISTANT REGISTRAR(CRL.SIDE)

TRUE COPY

/ /2020
SUB ASSISTANT REGISTRAR(CS)

ias



To:

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 9.

2.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

3.The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.

4.The additional Public presecutor,
Madurai bench of madras high court,
Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-9492[F] dated
02/03/2020)

W.P. (MD)No.3062 of 2020
02.03.2020

MKB(16.03.2020)/3P/6C