

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16358 of 2019

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1. Security and Intelligence Services (India) Limited having its corporate office at A-28 and 29, Okhla Industrial Area, Phase-1, New Delhi, Pin Code-110020, registered office of Patna address Annapoorna Bhawan, Patliputra Telephone Exchange Road, Kurji, Patna, through Mr. Akhilesh Kumar Pathak, aged about 45 years, Gender-Male, Associate Vice President, Bihar Region Patna, resident of Bindeshwar Enclave, Road No. 05 Indrapuri, Patna-800024, permanent resident of Thana Road Panki, Opposite Government Middle School, Panki, District Palamu, State Jharkhand- Pin Code 822124
 2. Pramod Kumar Verma, Son of Late Jagannath Prasad, Resident of 123 (b), Road No. 2, Rajendra Nagar, Sampatchak, P.S. Kadam Kuan, District-Patna

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Home Affairs, Government of India, New Delhi
2. The State of Bihar through the Chief Secretary, Government of Bihar, Bihar at Patna
3. The Appellate Authority-cum-Secretary Home Department, Government of Bihar at Patna
4. The Controlling Authority cum-Special Secretary Home Department, Government of Bihar at Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr .Sumeet Kumar Singh, Advocate
Ms. Shatakshi Sahay, Advocate
Mr. Nikhil Singh, Advocate
Mr. Shivam Singh, Advocate

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

10 19-07-2022 Supplementary affidavit dated 15.07.2022 is taken on
record.

The petitioners have prayed for the following
relief/s :-



- I. That the present writ application is being filed for issuance of a writ in the nature of a writ of *Mandamus* declaring the first proviso to section 4 of The Private Security Agencies (Regulation) Act, 2005 (hereinafter referred to as “PSAR Act, 2005”, for the sake of brevity) as unconstitutional and void being violative of Articles 14 and 19 (1) (g) of the Constitution of India, and Rule 11 (1) and Rule 13(3) of the Bihar Private Security Agencies Rules, 2011 (hereinafter referred to as the “2011 Rules”) as it stood prior to its substitution on 24.11.2017 as ultra vires section 7 (5) of the PSAR Act, 2005;
- II. For issuance of a writ in the nature of a writ of *Mandamus* or any other appropriate writ, order or direction commanding the Respondents to make the necessary endorsement on the Petitioners’ license granted under the provisions of the PSAR Act, 2005, and the 2011 Rules indicating the validity of the license till 23.06.2021;
- III. Further, for issuance of a writ in the nature of *Certiorari* or any other appropriate writ, order or direction quashing the communication dated 05.07.2019 whereby the Respondent Controlling Authority in purported exercise of powers under section 8 (3) of the PSAR Act, 2005, issued notice for alleged non-compliance with certain conditions of license when the same is based on non est grounds and beyond the scope of section 8 of the PSAR Act, 2005, read with Rule 14 of the 2011



Rules as also the conditions of license as communicated to the
Petitioners.

V. For any other relief/reliefs to which the Petitioners may be
entitled in the facts and circumstances of the present case

Learned counsel for the petitioners seeks permission
to withdraw the present petition as with the passage of time it
has become infructuous.

Permission granted.

Present petition stands disposed of as withdrawn
having become infructuous.

Interlocutory application, if any, also stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

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