



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.06.2022
CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10130 of 2021
and W.M.P.No.10747 of 2021

Hasan Mohammed Jinnah

... Petitioner

Vs.

1. The Director General of Police,
Kamarajar Salai,
Chennai.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai.

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents herein to give adequate and necessary police protection to the petitioner and his family members by providing sufficient armed men with police escort with necessary arrangements in Chennai city and also during his travels.

For Petitioner : Ms.A.S.Neela Narayani

For Respondents: Mr.S.Silambannan
Additional Advocate General
Assisted by Mr.A.Gopinath
Government Advocate (Crl. Side)

O R D E R

This Writ Petition has been filed to direct the respondents to give adequate and necessary police protection to the petitioner and his family members by providing sufficient armed men with police escort with necessary arrangements in Chennai city and also during his travels.

2. The petitioner was holding the post of Additional Public Prosecutor for the period of 2009 to 2011 on behalf of the State of Tamil Nadu before this Court. He also represented for the State in many sensitive cases including the cases against the terrorist organization both before this Court as well as before the Hon'ble Supreme Court of India. In view of nature of the cases handled by the petitioner, he was provided



security cover and police protection which comprised three armed guards and a police vehicle. However, the security cover was withdrawn from 24.05.2011.

3. Therefore, the petitioner made representation to restore the security cover to him. Since it was not considered, he was constrained to file a Writ Petition before this Court. This Court by an order dated 01.07.2014 in W.P.No.7185 of 2014, directed the respondent to give necessary and adequate police protection to the petitioner on need basis, whenever he attends any public demonstrations, meeting or undertakes travel to other districts. The said direction was not complied with as such, the petitioner filed a contempt petition in Cont.P.No.2925 of 2014 before this Court. In the contempt Petition, this Court disposed the same with certain direction with regard to provide adequate police protection to the petitioner. Thereafter, the petitioner was given police protection periodically. Again on 12.01.2021, the police protection was completely withdrawn by the first respondent herein without any proper notice. Therefore, the petitioner filed this Writ Petition for direction to direct the respondents to provide police protection.

4. In fact, the first respondent through the Superintendent of Police, Anti Land Grabbing Special Cell, Chennai, already filed status report dated 27.04.2021 and it revealed that in H.C.P.No.542 of 2020, this Court Suo Motu impleaded the Additional Chief Secretary, Home Department, Tamil Nadu along with the respondents herein and raised several questions. In pursuant to the said directions, a Security Review Committee chaired by the Additional Chief Secretary to Government, Home, Prohibition and Excise Department, by the decision dated 28.07.2020 directed to provide security for only 20 protected persons for whom threat persists and decided to withdraw security for 16 protected persons for whom there is no threat at present in Tamil Nadu. The petitioner herein is one among them to withdraw the security provided to them based on the decision of the Security Review Committee.

5. While pending this Writ Petition, the petitioner has been appointed as Public Prosecutor for the State of Tamil Nadu. Therefore, the petitioner is at present being provided with X scale of security with escort from 12.07.2021 along with Personal Security Officer.

6. Today, Mr.S.Silabannan, learned Additional Advocate General appearing for the respondents filed a status report dated 08.06.2022, to that extent and assured that the petitioner will be provided with adequate police protection in future in accordance with his needs, as directed by this Court in W.P.No.7185 of 2014 by an order dated 01.07.2014.



7. It is needless to say that the position of the petitioner at present is a pivotal one as he holds the sensitive post of State Public Prosecutor, High Court, Madras and its Bench at Madurai. He holds the position of a "Minister of Justice" as observed by various High Courts. His position requires visit to Madurai Bench of Madras High Court and also to New Delhi to assist the Senior Counsel in cases where the interest of the State has to be protected. As the State Public Prosecutor, he handles sensitive cases besides politically sensitive and important cases on the Original and Appellate Side Jurisdiction of this Court. His position cannot be placed on the same footing as that of other Law Officer of the State, as he exclusively handles politically sensitive and important cases on criminal side. So, the threat perception to the holder of the post of State Public Prosecutor and his family members are on the peak side. It is therefore, imperative on the part of the State to protect the holder of the post of State Public Prosecutor and his family members at all times.

8. It is seen from the judgment dated 01.07.2014 in Writ Petition No.7185 of 2014 that this Court has already given direction to the respondents to give necessary and adequate police protection to the petitioner even when he was not holding the post of State Public Prosecutor. Whether he holds the post of Public Prosecutor or not, the threat perception against him and his family members continues to persist as he had handled in the past sensational and sensitive cases during the course of his tenure as Additional Public Prosecutor (Co-ordination), High Court, Madras, including the Coimbatore bomb blast cases. Considering the continued threat perception that loom over the petitioner and his family members, police protection need to be given to the petitioner and his family members at all times.

9. In view of the above discussion, the respondents are directed to provide necessary armed police protection with communication radio set in addition to the security provided already. The second respondent also directed to provide necessary guards at the house of the petitioner and give escort team with vehicle. It is made clear that the first respondent shall ensure that the above police protection is given to the petitioner whenever he travels to other district or inter-State.

10. However, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the Writ Petition, since the petitioner has been provided with adequate police protection. She has also made an endorsement in the Court bundle to that effect.



11. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rts
To

1. The Director General of Police,
Kamarajar Salai,
Chennai.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai.
- 3.The Public Prosecutor
High Court, Madras.

W.P.No.10130 of 2021

GSM(CO)
A.SK(01/07/2022)