



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

W.P. (MD)Nos.23485 & 24811 of 2019

and

W.M.P.Nos.20122, 21394 & 21395 of 2019

W.P. (MD)No.23485 of 2019

S.Balamurugan

... Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3.The Inspector General of Police,
South Zone,
New Natham Road,
Madurai.

4.The Deputy Inspector General of Police,
Ramanathapuram Range,
Collectorate Complex,
Ramanathapuram,
Ramanathapuram District.

5.The Superintendent of Police,
Sivagangai District,
Sivagangai.

6.The Inspector of Police,
Thirupuvanam Police Station,
Thirupuvanam, Sivagangai District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of Na.Ka.No.G3/23753/2019, dated 06.09.2019 passed by the 5th respondent and quashing the same and consequently directing the respondents to provide police security officer protection to the petitioner.



W.P. (MD) No.24811 of 2019

S.Balamurugan

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of Na.Ka.No.G3/23381/2019, dated 28.08.2019 passed by the 1st respondent and quash the same, consequently directing the respondents to provide personal Security Officer protection to the petitioner.

For Petitioner : Mr.R.Murugappan
(in both WPs.)

For Respondents : Mr.A.Thiruvadi Kumar,
(in both WPs.) Additional Public Prosecutor.

COMMON ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner herein has filed these two writ petitions. W.P.(MD)No.24811 of 2019, to quash the communication of the first respondent dated 28.08.2019 wherein the first respondent after taking note of the Security Branch Review Committee meeting, had withdrawn the police security provided to him.

3.The impugned order of the first respondent dated 28.08.2019 indicates that the petitioner has involved in protest for removal of a mosque on the highways. There is a life threat to him and sought for gun man protection which was provided to him. After getting police protection of two gun men around the clock, the petitioner herein has misused the facility and have been taking the gun men to unwanted places and also participated in public protest which was conducted without prior permission of the police.

4. Further, the petitioner herein had not paid the charges provided for security. Therefore taking note of the violations and the Security Branch Review Committee report, the security provided to him was withdrawn.



5. Meanwhile, the Superintendent of Police, Sivakasi, on the direction passed by this Court in W.P.(MD)No.16561 of 2019, conducted enquiry and an order dated 06.09.2019 withdrawal of security provided to him, has been reiterated. This action has been challenged in W.P.(MD)No.23485 of 2019.

6. In both the impugned orders, the Superintendent of Police has assured the petitioner herein that if there is any information regarding threat to the petitioner, in future, received, the same may be informed to the police and police will take appropriate action.

7. The learned counsel for the petitioner would submit that being a Hindu activist and office bearer of Hindu Makkal Katchi, the petitioner is facing serious threat from minority community outfit and therefore his life has to be protected. The withdrawal of police protection will endanger to his life. So the impugned orders has to be quashed and police protection has to be provided.

8. The learned Additional Public Prosecutor would submit that considering the request of the petitioner, the police protection was provided on payment of costs. The petitioner herein has not paid the cost and a sum of rupees 12 Lakhs has fallen arrears and for the recovery of money, suit has been filed against the petitioner. That apart, misusing the police protection the petitioner herein has been involved in political activities and functions which are organised without prior intimation to the police. Cases has been registered against the petitioner for violation of prohibitory orders and destruction of public property. Hence based on the Security committee report, the protection given to the petitioner has been withdrawn and whenever there is any information about threat to his life and if informed to the police, appropriate action will be taken.

9. This Court, on considering the averments made in the affidavit and the counter, is of the opinion that the petitioner, if need any additional protection by way of a gun man, is bound to pay the necessary charges as fixed by the Government time to time. Without paying the charges, he cannot, as a matter of right, ask for round clock protection at the cost of State. He does not fall within the category, for which police protection provided free of cost. Hence, it is open to the petitioner to clear arrears and seek for police protection at his cost and if such application is made, the fifth respondent shall consider the representation and pass appropriate orders, regarding protection to the petitioner herein. The request for protection shall be subject to payment of the arrears of protection charges which is subject matter of O.S.No.59 of 2020 on the file of the Principal District Munsif, Sivagangai.



10. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government,
Home Department, Fort St.George,
Chennai-600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
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Thirupuvanam, Sivagangai District.

W.P. (MD)Nos.23485 & 24811 of 2019

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