



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4431 OF 2023

Chanakya Suraksha Dal

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. Arya Sapre a/w. Mr. Gaurav Pande & Ms. Sakshi Mane,
Advocate, for the Petitioner

Ms. M. S. Srivastava, AGP, for the Respondent – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 06.10.2023

P. C.

1. The Petitioner, by the present Writ Petition filed under Article 227 of the Constitution of India is challenging legality and validity of the order dated 27.11.2020 passed by the Controlling officer alias Joint Police Commissioner (Administration), Greater Mumbai as well as the order dated 18.11.2022 passed by the Appellate Authority alias Additional Chief Secretary(Appeal & Security) in Appeal No. PSA-0621/Pra. Kra. 131/Visha-4. By the impugned order dated 27.11.2020, licence granted to the Petitioner on 08.02.2008 was cancelled from the date of expiry of the period of said licence and the said order has been confirmed by said order dated 18.11.2022. The said orders are passed on the assumption that inspite of

communicating to the Petitioner on several occasions to comply with certain requirements, the same were not complied with.

2. It is the contention of the Petitioner that the Petitioner had obtained a licence bearing No. MAH/2008/65 under the name and style as “M/s. Chanakya Security & Intelligence Squad” for engaging in the business of Private Security Agency. The said licence was for a period of five years. Thereafter, it was renewed for a further period of five years. Thereafter, the Petitioner again applied for renewal of the same. By letter dated 08.04.2019 issued by the Assistant Commissioner of Police (Head Quarter - 1), office of Police Commissioner, Mumbai, it was informed to the Petitioner that the word “Intelligence” be deleted and the documents in the new name be submitted to the authority. It is the submission of the Petitioner that the Petitioner has complied with the said requirements and accordingly, has changed the name to “M/s. Chanakya Security & Squad”. It appears that it is the case of the Respondents that certain other requirements are yet to be fulfilled by the Petitioner and inspite of communication in this regard, the Petitioner has not complied with the same. However, it is the case of the Petitioner that no such communication is served on the Petitioner. The impugned orders have been passed on the

assumption that from time to time, the Petitioner was asked to comply with certain requirements which the Petitioner failed to comply.

3. Learned AGP has failed to indicate any communication addressed to the Petitioner to demonstrate that the Petitioner was informed to comply with the said requirements. Both the impugned orders are passed on the same ground. However, there is nothing on record to indicate that the Petitioner was informed to comply with the said requirements. It is the contention of learned AGP that internal communication dated 29.08.2019 which requires the Petitioner to comply with necessary requirements is annexed to the Petition and therefore, the Petitioner was aware about the said requirements. However, learned counsel for the Petitioner states that the Petitioner has obtained various documents under the Right to Information Act, 2005 after passing of the impugned order dated 18.11.2022. There is nothing on record to indicate that the said internal communication has been served upon the Petitioner at the relevant time. In any case, there is nothing on record to show that it was communicated to the Petitioner that certain further requirements are required to be complied with. Therefore, the impugned orders cannot sustain.

4. Accordingly, the order dated 27.11.2020 passed by the Controlling officer alias Joint Police Commissioner (Administration), Greater Mumbai as well as the order dated 18.11.2022 passed by the Appellate Authority alias Additional Chief Secretary (Appeal & Security) are quashed & set aside. Respondent No. 3 is directed to consider the Petitioner's Application for renewal of licence in the new name as "M/s. Chanakya Suraksha Dal" as per the letter dated 28.05.2019 annexed at page 50 to the Writ Petition. At this stage, learned AGP states that the authority to issue such a licence is now vested in Respondent No. 2. Accordingly, Respondent No. 2 or Respondent No. 3 is directed to pass appropriate orders within a period of 12 weeks from today by considering the Application dated 28.05.2019 filed by the Petitioner and by giving an opportunity of hearing to the Petitioner.

5. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)