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W.P.No.15176 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Orders reserved on : 23.08.2023

Orders pronounced on : **25.08.2023**

CORAM :

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

W.P.No.15176 of 2022  
and W.M.P.Nos.14359, 14360 and 14361 of 2022

R.Afzal

.. Petitioner

**Versus**

1. The State of Tamil Nadu,  
Rep by its Secretary to Government,  
Home Department,  
Fort St.George, Secretariate,  
Chennai - 600 009.
2. The Commissioner of Police,  
Vepery, Chennai - 600 007.
3. The Director General of Police,  
Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.
4. The Inspector of Police,  
K-7, Police Station,  
Gandhi Nagar colony,  
Konnur,  
Chennai - 600 038.

.. Respondents



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**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 2nd respondent in Rc.No.Court Cell-I/1817/99670/2019, dated 25.03.2021 and quash the same and consequently, direct the 2nd respondent to provide adequate Police protection to the petitioner as per the directions of High Court of Madras in W.P.No.1650 of 2021, dated 11.03.2021.

For Petitioner : Mr.Ma.Gouthaman

For Respondents : Mr.A.Gopinath  
Government Advocate (Crl. Side),

### **ORDER**

This petition has been filed challenging the impugned proceedings of the second respondent, dated 25.03.2021 and for a consequential direction to the second respondent to provide adequate Police protection to the petitioner.

2. Heard Mr.Ma.Gouthaman, learned Counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) for the respondents.



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3. The facts of the present case have been captured in the earlier order passed by this Court in W.P.No.1650 of 2021, dated 11.03.2021 and for proper appreciation, the same is extracted hereunder:-

*"2. The petitioner is holding the post of General Secretary of the All India Association in Southern Railways and he is also holding the post of Vice President of All India other backward Classes Railway Employees Federation. The petitioner is also the State President of National Union for BC, SC, ST and minorities. According to the petitioner, the persons who were holding the post of General Secretary since the year 2000, have been done away with by some rowdy elements and there is a potential threat to the life of the petitioner also. The petitioner gave a complaint in this regard on 19.10.2020 and the police had issued a CSR and no further action was taken. The petitioner had also applied for a gun license for his protection and he has also been issued a gun license and the petitioner is possessing a 32 bore revolver.*

*3. The petitioner found that, the threat perspective was getting more graver and therefore, one more representation was given to the respondent police on 18.11.2020. Since there was no response, the present writ petition has been filed before this Court.*

*4. A status report has been filed by the Assistant Commissioner of Police. It is seen from the status report that there are no criminal cases pending against the petitioner and the movement of the petitioner is being monitored by the respondent police all the time and there is no potential threat to the life of the petitioner.*



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*5. It is brought to the notice of this Court that owing to the ensuing election, the petitioner has also deposited his revolver on 03.03.2021. It cannot be said that the apprehension raised by the petitioner is unfounded.*

*6. In view of the above, there shall be a direction to the second respondent namely Commissioner of Police, Chennai to pass appropriate orders deputing a police guard to the petitioner for a period of four weeks. The petitioner shall pay whatever minimum charges are payable for providing such guard.*

*7. Post this case after four weeks and in the meantime, a status report shall be filed by assessing the threat perspective of the petitioner and based on the status report, further orders will be passed."*

4. The grievance of the petitioner is that the Police protection was given only for a period of four weeks and thereafter, the second respondent, through impugned proceedings, dated 25.03.2021, directed the petitioner to remit a sum of Rs.1,67,328/- towards guard charges within three days.

5. It was contended on the side of the petitioner that such exorbitant charges were imposed by the second respondent based on a Government Order in G.O.Ms.No.139, dated 04.03.2019 and the said G.O will not apply where the security is provided to an individual. It was submitted that such charges can be imposed only where private mega events are conducted and



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such bandobast is sought for by Central / State Government Departments / Undertakings.

6. When the matter came up for hearing on 12.07.2023, this Court passed the following order:-

*"Heard Mr.S.Prabhakaran, learned Senior counsel appearing for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing on behalf of the respondents.*

*2. Learned Government Advocate shall take instructions on the following:*

*(a) The present threat perspective faced by the petitioner as on date.*

*(b) If the police finds that there is a threat perspective to a person and such a person is incapable of meeting the expenditure, what is the method adopted by the police to ensure that such a person is given security.*

*3. Post this case under the same caption "Adjourned Admission" on 26.07.2023."*

7. The second respondent has filed a status report and a counter affidavit. The above queries that were posed by this Court have been answered in the status report as under:-

*"3. It is respectfully submitted that with regard to the query (a) that*



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*(a) the present threat perspective faced by the petitioner as on date. In pursuant to order of this Hon'ble Court, the Deputy Commissioner of Police, Kolathur submitted a report that, it is ascertained that the petitioner Mr.Afzal is now functioning as General Secretary of AIOBC and as on date there is no threat perception to him. It is also stated that two CCTV cameras have been installed in the street on which his association is located. It is submitted that apart from that three CCTV Cameras have been installed at Constable Road and Fisher Street junction. It is further submitted that 8 CCTV cameras have been installed surrounding the building of the AIOBC Association. It is further submitted that from 27.09.2019,Patta/ Point Book also maintained in the office and also to his residence. It is further submitted that on enquiry with the railway employees and from the report submitted by the Deputy Commissioner of Police (Intelligence Section)of Greater Chennai Police, it is ascertained that the petitioner is not facing threat perception from any quarters in Greater Chennai Police Limit and no complaint of threat has been received so far.*

*4. It is respectfully submitted that with regard to the query (b) that*

*(b) If the police finds that there is a threat perspective to a person and such a person is incapable of meeting the expenditure, what is the method adopted by the police to ensure that such a person is given security. It is respectfully submitted that if the Police finds that there is a threat perception to a person, the case would be placed before the Security Review Committee for this purpose. It is submitted that based on the findings of such committee, the appropriate*



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*decision would be taken in those cases and appropriate security is given free of cost."*

8. In the status report, the various steps taken by the respondents to ensure safety of the petitioner have been stated in paragraph No.7 and the same is extracted hereunder:-

*" 7. It is respectfully submitted that based on the above, the then Commissioner of Police has issued Circular vide RC.No.Court Cell-1/1817/99670/2019 dated 09.10.2020, in which it is stated that "Instructed to provide, need based police protection". Based on that, the following actions are taken:-*

- i. 3 CCTV cameras fixed by surrounding the office of the petitioner i.e., AIOBC, Fisher Street, ICF Railway Quarters, Chennai.*
- ii. 3 CCTV cameras fixed a Constable Road and Fisher Street Junction.*
- iii. 2 CCTV cameras fixed in the front side of the petitioner's office AIOBC building.*
- iv. From 27.09.2019 to till date, 2 Patta books has been maintaining in the office of the petitioner i.e., AIOBC and also 1 Patta book is also maintaining in the house of the petitioner i.e., No.100, Constable Road, Railway Quarters, Chennai and the same has been maintaining and monitoring by the respondent police at 24 hours every day."*



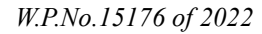
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9. It is further stated in the status report that the petitioner was permitted to hold point 32 revolver with butt from the year 2015 onwards and the license is renewed periodically.

10. The petitioner is seeking for Police protection mainly on the ground that he is holding the post of General Secretary of the Association and the person who was holding such a post earlier was murdered and therefore, the petitioner also apprehends life threat to him.

11. The Deputy Commissioner of Police has categorically stated in the counter affidavit as well as the status report that the petitioner is not facing any grave threat from any quarters in Greater Chennai Police limit and there is also no complaint regarding any threat received so far from the petitioner. In view of the same, the minimum surveillance is being carried out and it was decided to provide need based Police protection by reviewing the situation periodically. In the considered view of this Court, the stand taken by the Deputy Commissioner of Police looks reasonable and whatever actions have been taken to maintain the surveillance and which has been extracted supra, will suffice for the present. That apart, the petitioner is also



12. This Writ Petition is disposed off accordingly. No costs.

25.08.2023

9/11



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Neutral Citation : yes/no

grs

To

1. The Secretary to Government,  
Home Department,  
Fort St.George, Secretariate,  
Chennai - 600 009.
2. The Commissioner of Police,  
Vepery, Chennai - 600 007.
3. The Director General of Police,  
Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.
4. The Inspector of Police,  
K-7, Police Station,  
Gandhi Nagar colony,  
Konnur,  
Chennai - 600 038.
5. The Public Prosecutor,  
High Court of Madras.



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**N.ANAND VENKATESH, J.**

grs

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