



W.P.No.14000 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.14000 of 2021
and W.M.P.Nos.14867 and 14869 of 2021**

M/s.Lalitha Security Services,
No.89/90, Old Mambalam Salai,
Chennai-15,
Rep.by its Proprietor,
S.Parthiban

... Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Rajaji Salai,
Chennai-600 001.
- 2.The Director General of Police,
O/o.The Director General of Police,
Mylapore,
Chennai-600 004.
- 3.The Controlling Authority-cum-Inspector General of Police
and Additional Director General of Police,
TNPSA,
Mylapore,
Chennai-600 004.



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4.The Commissioner of Police,
Chennai City Police,
Vepery,
Chennai-600 007.

5.The Additional Deputy Commissioner of Police,
Chennai City Police
Vepery,
Chennai-600 007.

6.The Joint Commissioner of Police,
Chennai City Police,
South Zone,
St.Thomas Mount,
Chennai-600 016.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceeding in Rc.No.086234/Con.IV(2)/2015, dated 25.06.2019 and the order of the first respondent in his proceeding in G.O(D).No.482, dated 21.04.2021 and quash the same and consequently, direct the respondents to grant licence to the petitioner for running Private Security Agency.

For Petitioner	:	Mr.A.Ilaya Perumal
For Respondents	:	Mr.P.Kumaresan Additional Advocate General assisted by Mr.LSM.Hasan Fisal Additional Government Pleader for R1 Mr.L.Baskaran,



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Government Advocate (Crl.side)
for R2 to R6

ORDER

This Writ Petition has been filed challenging the proceedings dated 25.06.2019 issued in Rc.No.086234/Con.IV(2)/2015 by the third respondent and the proceedings in GO.(D).No.482, Home (Police-XIII) Department dated 21.04.2021 issued by the first respondent, in and by which, the request of the petitioner for grant of licence was rejected and for a consequential direction to the respondents to grant licence to the petitioner for running the Private Security Agency.

2. The learned counsel appearing for the petitioner would submit that the petitioner, namely, M/s.Lalitha Security Services, have decided to run a Private Security Agency and for running the same, proper licence should be obtained. Therefore, the petitioner approached the respondents and submitted an application dated 20.04.2015 for grant of licence for running the Private Security Agency, however, no action was taken on the petitioner's application. Thereafter, the petitioner has filed a writ petition in



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W.P.No.17063 of 2019 before this Court, wherein, this Court directed the respondents to file a status report on the petitioner's application dated 20.04.2015 and thereafter, when the matter came up for hearing on 26.06.2019, the third respondent has submitted the proceedings dated 25.06.2019, by which, the application of the petitioner was rejected on the ground that the petitioner did not possess any special qualification and appeared to be incapable of running the Private Security Agency and the Agency is running at the residential apartments. Challenging the same, the petitioner has filed a writ petition in W.P.No.21330 of 2019 before this Court and this Court dismissed the petition by granting liberty to the petitioner to file an appeal before the first respondent as per the provisions of the Private Security Agency Regulation Act, 2005 and thereafter, the petitioner preferred an appeal before the first respondent and while pending the appeal, the third respondent assured that they will grant licence for the Private Security Agency, pursuant to which, the petitioner has also filed a withdrawal letter dated 03.03.2020 and thereafter, when the petitioner has approached the Authority requesting to issue license, they refused to grant



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license. Therefore, the petitioner requested the first respondent to restore the appeal vide letter dated 06.11.2020 and accepting the letter dated 06.11.2020, the first respondent has fixed a hearing date for the appeal and directed the petitioner to appear on 31.12.2020 for personal hearing and the petitioner also attended the personal hearing and requested to grant licence. All of a sudden, the first respondent, vide G.O.(D).No.482, Home (Police-XIII) Department dated 21.04.2021, has rejected the request of the petitioner to grant licence to run the Private Security Agency. Aggrieved over the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that since the petitioner did not possess any special qualification as per Rule 3(4) of the Tamil Nadu Private Security Agencies Rules, 2008, the petitioner appointed Ex-serviceman as supervisor in terms of Rule 7(1) of the said Rules which is sufficient to grant licence in favour of the petitioner. Overlooking the above aspect, the first and third respondents rejected the request of the petitioner.



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4. The learned Additional Government Pleader appearing for the first respondent would submit that the petitioner has not submitted any material to prove that he had operated the Private Security Agency either individually or in partnership, and has not submitted any Certificate for possession of Special Qualification or skill which may facilitate their operations of Private Security Agency and therefore, the request of the petitioner was rightly rejected which does not require any interference by this Court.

5. Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the respondents 2 to 6.



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6. The petitioner has decided to run a Private Security Agency in the name and style of M/s.Lalitha Security Services, for which, he has made an application before the respondents to grant licence to run the said Agency and it was rejected vide impugned order dated 25.06.2019 on the ground that the petitioner did not possess any special qualification and appeared to be incapable of running the Security Agency and also the Agency is running at residential apartments, against which, he has preferred an appeal before the first respondent, as per the directions of this Court issued in W.P.No.21330 of 2019 dated 19.07.2019 and it was rejected on the ground that the petitioner has not submitted any material to prove that he had operated the Private Security Agency either individually or in partnership and has not submitted any Certificate for possession of special qualification or skill which may facilitate his operations of Private Security Agency.

7. Rule 8 of the said Rules, makes it clear the manner of making



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the application for grant of licence which reads as under:

"8.Manner of making application for grant of licence:-

(1) Every application by an Agency for the grant of a licence under sub-section (1) of Section 7 of the Act, shall be made to the Controlling Authority in Form V.

(2) Every application referred to in sub-rule (1) shall be accompanied by a fee, as specified in sub-section (3) of section 7 of the Act, by way of demand draft or banker's cheque, payable to the Controlling Authority, Tamil Nadu Private Security Agency, Chennai.

(3) Every application referred to in sub-rule (1) shall be either personally delivered to the Controlling Authority or sent to him by registered post.

(4) on receipt of the application referred to in sub-rule (1), the Controlling Authority shall after noting thereon the date of receipt by him of the application, grant an acknowledgment to the applicant."

8. Rule 3(4) of the said Rules reads as under:



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"(4) The Superintendent of Police, in addition to the causing of verification of antecedents of every applicant in whose name the antecedent form is filled up, shall also furnish the following information:

(i) whether the applicant or the Company earlier operated any Private Security Agency, either individually or in partnership of others or otherwise and if so, the details thereof, and

(ii) whether the applicant possess any special qualification or skill, which may facilitate his operations of Private Security Agency."

9. When the Rule mandates that the applicant should possess special qualification or skill for operating the Private Security Agency, in the present case, the petitioner did not possess any special qualification or skill. Though the petitioner claims that the Ex-serviceman was appointed as Supervisor, he has not produced any proof to show that the Ex-serviceman possessed special qualification or skill for running the Institution. Moreover, as and when the Supervisor leaves from the Organization, the object and purpose of the said section would be defeated. Considering all those aspects, the request of the petitioner was rejected by the first and third respondents vide impugned orders dated 25.06.2019 and 21.04.2021 and this Court does



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not find any error in the impugned orders passed by the first and third respondents.

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10. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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Government of Tamil Nadu,
Secretariat,
Fort St.George,
Rajaji Salai,
Chennai-600 001.
2. The Director General of Police,
O/o. The Director General of Police,
Mylapore,
Chennai-600 004.
3. The Controlling Authority-cum-Inspector General of Police
and Additional Director General of Police,
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Chennai-600 004.

4.The Commissioner of Police,
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M.DHANDAPANI,J.

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