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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22250 of 2023
and
W.M.P.No.21628 of 2023

M.R.Kalimuthu

... Petitioner

Vs.

1.The Principal Chief Secretary,
The Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.

2.Director General of Police,
No.1, Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3.The Additional Director General of Police (Intelligence),
No.2, Papanasam Sivan Salai,
Chennai - 600 004.

4.The Inspector General of Police (Intelligence),
No.2, Papanasam Sivan Salai,
Chennai - 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to restore Y



Scale Security to the Petitioner and his family as reflected in the Proceeding of the 4th respondent dated 01.11.2008 forthwith.

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For Petitioner	: Mr.D.Prabhu Mukunth Arun Kumar
For R1	: Mr.K.Surendran Additional Government Pleader
For R2 to R4	: Mr.S.Vinoth Kumar Government Advocate (Criminal Side)

ORDER

The Writ of Mandamus has been instituted to direct the respondents 1 to 4 to restore 'Y' Scale Security to the petitioner and his family as reflected in proceedings of the 4th respondent dated 01.11.2008.

2. The petitioner is a retired Additional Superintendent of Police and aged about 79 years old. The petitioner states that he had investigated many sensitive cases, while holding the office of the Additional Superintendent of Police and further headed a team in an encounter case in the year 2002. Soon after the retirement of the petitioner 'Y' Scale Security was provided to him by the Police Department. Subsequently, it had withdrawn on the ground that there is no threat perception.



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3. Mr.D.Prabhu Mukunth Arun Kumar, learned counsel for the petitioner would mainly contend that certain outfits are functioning within the radius of 5 Kms from the residence of the petitioner and therefore, the petitioner is facing threat even today. The security forces provided are reduced periodically and finally two Constables were given as security to the petitioner. That also has been taken in the year 2023.

4. Mr.Vinoth Kumar, learned Government Advocate (Criminal Side) appearing on behalf of the respondents 2 to 4 would submit that the Security Review Committee (SRC) is an independent body comprising of the following senior officials of as Chairman and Members:

(a) Additional chief Secretary / Principal Secretary to Government,
Home Department, Chennai – 9. -Chairman

(b) Director General of Police, Greater Chennai Police, Chennai
-Member

(c) Commissioner of Police, Greater Chennai Police, Chennai
-Member

(d) Additional Director General of Police / Inspector General of Police,
Intelligence, Chennai -Member



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(e) Deputy Director, Subsidiary Intelligence Bureau, Chennai

-Member

(f) Deputy Commissioner of Police, Security Chennai Police, Chennai

-Member

(g) Superintendent of Police, Security Branch CID, Chennai

-Member

The decisions of the Security Review Committee are taken without any external influence.

5. It is further submitted that the Security Review Committee based on the reports of following agencies withdrew the Police protection, since there was no threat perception for the writ petitioner.

(1) The Assistant Director, Subsidiary Intelligence Bureau, Chennai

(2) The Superintendent of Police, Special Branch CID, Chennai

(3) The Superintendent of Police, Special Division, Chennai

(4) The Superintendent of Police, “Q” Branch CID, Chennai

(5) The Superintendent of Police, Organised Crime Intelligence Unit,
Chennai and

(6) Jurisdictional Officer concerned.



6. The Competent Committee assessed the situation and based on the report they have taken a decision to withdraw Security provided to the writ petitioner, since there was no threat perception.

7. The Committees decision in this regard must be accepted by the Courts, since it involves expertise and assessment of threat by the Competent Police Authorities. The petitioner is now aged about 79 years and he retired from service in the year 2003 and 21 years lapsed. At this length of time, Security cannot be provided unnecessarily to the petitioner causing financial loss to the State Exchequer.

8. Security to the individuals are to be provided assessing the facts and circumstance and the genuinity involved. The threat perception is to be assessed by the Competent Police Authorities with the assistance of the Intelligence and periodical review is mandatory in this aspect.

9. Large scale allegations are in the public domain that security facilities are provided to many individuals based on certain unworthy claims and all such security facilities provided to the individuals are to be reviewed by the Committee to ensure that the Police force has been utilised for the



benefit of the public and to maintain law and order in the society.

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10. Deployment of many number of Police Personnel as security guard to the individuals would result in man power loss to the Police Department and financial loss to the State Exchequer. The services of the uniformed forces are to be utilised to sub serve the public good. Therefore, periodical review of security guard provided to the individuals are to be undertaken by the Director General of Police through the Review Committee. Trained uniformed personnels are to be utilised for the benefit of the public at large and at all circumstances except any exceptional cases, where such personal security is imminent.

11. In the present case, the petitioner is aged about 79 years. The respondents filed a counter affidavit stating that there is no threat perception. Thus, the Committee considered the report of the Police officials and withdrawn the personal security guard provided to the petitioner. The opinion of the Competent Review Committee, which is an expert body need not be interfered with by this Court, unless such decisions are taken in violation of the Statutory provisions or the allegations of *mala fides* are raised.



12. When the services of the uniformed forces are utilised for the benefit of the public at large, the Police Force cannot be utilised even by the Higher Police Officials for their personal gains. Maintenance of discipline inside the Police Department is of paramount importance to maintain the over all discipline in Police Force. Therefore, misuse of Police Personnel by Higher Officials at no circumstances be tolerated and such misuse amounts not only to misconduct but illegality. Deployment of Police Guards are to be provided to the Constitutional Authorities and to specific authorities as provided under law. Deployment of personal guard to an ineligible official of any Department would amount to illegality warranting action against such officials, who have misused the Police Force.

13. In view of the facts and circumstances, this Court has arrived at an irresistible conclusion that the petitioner has not established any acceptable grounds for considering the relief.

14. Thus, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

12.04.2024



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Index : Yes

Speaking order

Neutral Citation : Yes

To

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