

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.586 of 2017

In

Criminal Writ Jurisdiction Case No.205 of 2016

=====

Lalan Kumar S/o Late Kamleshwari Prasad resident of Hiralal Lane
Chhajjubag, P.S.-Gandhi Maidan, Dist.-Patna.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Home Secretary, Government of India, New Delhi
3. The State of Bihar, through the Home Secretary.
4. The Commandant, BMP-6, MUzaffarpur, Bihar

... .. Opposite Party/s

=====

with

Miscellaneous Jurisdiction Case No. 592 of 2017

In

Criminal Writ Jurisdiction Case No.205 of 2016

=====

Lalan Kumar

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Opposite Party/s

=====

Appearance :

(In Miscellaneous Jurisdiction Case No. 586 of 2017)

For the Petitioner/s : Mr. Nagendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Additional Solicitor General

For the UOI : Mr. Ram Tujabh Singh, CGC

(In Miscellaneous Jurisdiction Case No. 592 of 2017)

For the Petitioner/s : Mr. Nagendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Prabhat Kumar Verma, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 23-04-2026

Heard the parties.

2. The present application has been preferred:

*for modification of order dated
16.11.16 of Hon'ble Acting Chief Justice Sri
Hemant Gupta passed in criminal writ*



jurisdiction case No 205/2016, which was heard and disposed of with Cr. Writ jurisdiction No 208/2016, on the ground of an apparent error in law and facts on record, whereby this Hon'ble Court on request of the petitioner though dismissed the writ petitions as withdrawn but further passed the order on merit literally deciding the case finally against the petitioner even without adjudication of the case on merit and also in view of the fact that Divisional security Committee is not competent /empowered to consider the representation submitted by the petitioner for providing "Z" category (Central Protectees) security cover on no payment basis within the State of Bihar, in other State and Indian Territories rather it is department of Home Ministry of Home Affairs, Govt. of India which is competent/empowered to scrutinize and evaluate the actual threat perception to life of the petitioner and accordingly competent to grant categorize security equivalent to "Z" category. It is respectfully submitted that after allowing the withdrawal of the petition, the Court virtually becomes functus officio and thus has no jurisdiction at all to pass any kind of further order in the said matter. Thus the direction in para 3 is without jurisdiction and an error apparent in law. [(2008)2 SCC 507; Ajay Mohan Versus HN Rai @ para 24].

3. This Court has gone through the orders passed by the



Criminal Writ Court in Cr. WJC No. 205 of 2016 (Lalan Kumar vs. State and Union of India & ors.) and Cr. WJC No. 208 of 2016 (Lalan Kr. vs. State of Bihar & ors.) and the short order read as follows:

Heard learned counsel for the parties.

2. Learned counsel for the petitioner wishes to withdraw the present writ petitions. The request is allowed. The petitions are thus dismissed as withdrawn.

3. But it is ordered that the Divisional Security Committee, on a representation submitted by the petitioner, shall consider if any security is to be provided to the petitioner at his own cost in terms of the orders of the Hon'ble Supreme Court. However, In the meanwhile, the security cover provided to the petitioner shall be withdrawn forthwith.

4. It is further ordered that if the petitioner has any grievance then he is at liberty to make a mention in the present petitions only in view the conduct of the petitioner in filing petitions soon after one petition is decided.

4. From the aforesaid order, it is clear that the writ petition was dismissed as withdrawn.

5. The Writ Court was careful enough to record that the Divisional Security Committee shall look into the representation



of the petitioner and if needs any security cover, it is to be provided on his own cost in terms of orders of the Hon'ble Apex Court.

6. In that background, the direction to withdraw the security cover forthwith loses its meaning when the liberty was already granted to approach the aforesaid Committee.

7. In the modification petition, the prayer is that actually for the Z Category Security, one has to move before the Department of Home Ministry, Government of India and not before the Divisional Security Committee.

8. The writ petition was dismissed as withdrawn. Liberty, in that background, is/was always available before the petitioner to move before an appropriate forum where the prayer for Z Security can be considered. In that background, there is no reason to modify the earlier order passed by the Writ Court.

9. Both the MJC No. 586 of 2017 and MJC No. 592 of 2017 stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

