

(2006) 05 AHC CK 0204
In the Allahabad High Court
Case No : Criminal Writ Petition No. 6244 of 2006

Allah Rakha

APPELLANT

Vs

State of U.P. and Sri Dinesh Chand Yadav

RESPONDENT

Date of Decision : 18-05-2006

Acts Referred:

Citation : (2006) 05 AHC CK 0204

Hon'ble Judges : Imtiyaz Murtaza, J; Amar Saran, J

Bench : Division Bench

Advocate : Birendra Singh and P.K. Singh, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

Imtiyaz Murtaza and Amar Saran, JJ.—Heard learned Counsel for the petitioner and learned Additional Government Advocate.

2. This writ petition has been filed with a prayer that the petitioner, who is a member of the Zila Panchayat, Farrukhabad be provided security in pursuance of the direction of this Court in an earlier writ petition bearing No. 8563 of 2006 (Allah Rakha v. State of U.P. and Ors.) decided by a division bench of this Court on 13.2.2006 comprising Hon''ble Sushil Harkauli and Hon''ble Vikram Nath, JJ.

3. The contention of the petitioner was that in the election for the post of Adhyaksha of Zila Panchayat, which was being contested by Smt. Manju Lata, wife of Narendra Singh, a sitting M.L.A. of the Samajwadi Party from Farrukhabad, the petitioner voted for the B.J.P candidate Smt. Somwati, who was elected defeating Smt. Manju Lata. On account of annoyance of S.P. MLA Narendra Singh because of this step of the petitioner, security had not been provided to the petitioner in spite of the order of this Court directing the district level committee headed by the District Magistrate to pass orders on the petitioner's application for security on the basis of the relevant Government Orders, and thus, it was only on account of political vendetta that the ruling

party's M.L.A. had deprived the petitioner from getting security.

4. It may be noted that it has become fashionable these days for any person who does not get an order or direction in his favour, or against whom an adverse order is passed, or an FIR registered, then irrespective of the legitimacy or otherwise of his claim he immediately places the blame on the machinations of the ruling Sarnajwadi Party. This in our opinion is most inappropriate and unfair.

5. In the present case, we see that as per the order of the Division Bench dated 13.2.2006, the question of providing security to the petitioner was to be considered by the district level committee, headed by the District Magistrate in accordance with the relevant Government Orders within three months from the date on which a certified copy of this order was presented before the District Magistrate, Farrukhabad. The petitioner himself has stated that he moved two applications in pursuance of the High Court order on 23.3.2006 and 1.4.2006. Three months' period has not expired yet, but the petitioner has rushed to the High Court in a highly premature manner and has made all kinds of allegations against the ruling party. Furthermore, there is no word in the whole petition as to how there is a threat to the life of the petitioner, which is required to be considered by the district level committee under the relevant Government Orders nor is there any allegation that the petitioner was a Pairokar or witness in a heinous criminal offence for which he requires security.

6. Provisions of security is not a status symbol to be awarded to every person, and there does not appear to be any ex-officio entitlement for security to a member of a Panchayat. It is noteworthy that an unchecked grant of security to eligible and ineligible persons, has resulted in a serious dearth of police personnel to man our police stations and for general policing functions.

7. After the expiry of the due period as per the earlier order of this Court dated 13.2.2006 if no order is passed by the district level committee, it may be open to the petitioner to seek a relief from any appropriate jurisdiction as he may be advised, but the hasty filing of this second writ petition cannot be appreciated by this Court.

8. In this view of the matter, there is no force in the petition. It is accordingly dismissed.