courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 17/09/2026

(2019) 07 UK CK 0239

In the Uttarakhand High Court

Case No : Writ Petition No. 1224 Of 2019 (Crl.)

Kunwar Parnav Singh Champion — APPELLANT

Vs

Union Of India And Others — RESPONDENT

Date of Decision : 29-07-2019

Acts Referred:
Constitution Of India, 1950 — Article 21

Citation : (2019) 07 UK CK 0239

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Shobhit Saharia, Rakesh Thapliyal, Lalit Sharma, Saurabh Pandey

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. The petitioner herein, a Member of the State Legislative Assembly from 2002 onwards, was last elected from Haridwar assembly Constituency in the year 2016. He has invoked the jurisdiction of this Court seeking a writ of certiorari to quash the communication dated 19.07.2019, as well as the order mentioned therein dated 17.07.2019; and a writ of mandamus commanding respondent No.1 to provide protection to him and his family, and to continue with the grant of atleast Y+ category security to them, subject to its being reviewed periodically based on an unbiased and independent inquiry being undertaken with respect to the degree of threat faced by him and his family, and without being influenced by any kind of political or other motivated considerations; or, in the alternative, for a writ of mandamus to direct respondent No.2 to provide adequate security cover to the petitioner and his family, in the contingency of the inability of respondent No.1 to provide adequate and appropriate security cover to them.

2. The petitioner refers to several earlier incidents where there was a threat to his family and himself. He then claims that a doctored video of his was uploaded in the social media, showing him in a private room with his licensed weapons,

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/kunwar-parnav-singh-champion-…

having fun while allegedly listening to some Hindi Film songs. Pursuant to what the petitioner claimswas a media trial, his arms licenses were suspended and he was asked to surrender his licensed firearms. By the impugned order, the security cover provided to him was withdrawn.

3. Mr. Shobhit Saharia, learned counsel for the petitioner, would submit that, since the petitioner has a fundamental right under Article 21 of the Constitution of India, for his family and himself to be protected from any untoward incidents, the relief sought for in the writ petition should be granted.

4. On the other hand, Mr. Rakesh Thapliyal, learned Assisted Solicitor General for the Union of India, would submit that a decision, regarding the threat perception of any individual, must be left to be taken by the competent authority; a considered decision was taken by the competent authority concerned to withdraw the petitioner's arms licenses; the petitioner has had a history of indulging in such untoward incidents; there are several criminal cases pending against him for opening fire with his weapon; and this Court would not substituted its discretion for that of the authority in granting police protection to the petitioner.

5. Mr. Saurabh Pandey, learned Brief Holder appearing on behalf of the State Government, on instructions, would submit that the petitioner continues to have an armed personal security officer travelling along with him, besides a constable being posted at his residence; on an assessment of the threat perception to the lives of the petitioner and his family members, both the Central Government and the State Government were of the view that the security cover now being provided to him would suffice; and the petitioner's previous conduct would show that there is a threat to others from him, and not the other way round.

6. While the right to life and liberty of any individual is, undoubtedly, sacrosanct, and is part of the fundamental right guaranteed under Article 21 of the Constitution of India, the petitioner's threat perception to his life and liberty, and to that of his family members, is required to be assessed by the competent authority and not by this Court. By the communication dated 19.07.2019, the petitioner was informed that an order was passed by the Ministry of Home Affairs, Government of India on 17.07.2019 directing the CISF to withdraw the Y+ security of the petitioner and, pursuant thereto, the CISF unit Special Security Group had initiated the process of withdrawal of the Y+ security to the petitioner.

7. The petitioner cannot claim, as of right, that he should be provided security cover only by the Special Security Group of the CISF unit. The only relief which he can, possibly, claim is that the threat, if any, to his life and liberty should be assessed and a decision taken by the local police officials who should, thereafter, determine the extent of security, if any, required to be provided to him.

8. While taking note of the contention of Mr. Saurabh Pandey, learned Brief Holder, that adequate security is being provided to the petitioner, suffice it, instead of keeping the writ petitioner pending on the file of this Court, to permit

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/kunwar-parnav-singh-champion-…

the petitioner to make a representation to the Senior Superintendent of Police, Haridwar, who shall then make an assessment of the petitioner's threat perception to his life and liberty, and to that of his family members, and then take a considered decision thereupon in accordance with law.

9. Mr. Shobhit Saharia, learned Counsel for the petitioner states that a representation in this regard would be submitted by the petitioner within one week from today.

10. The Senior Superintendent of Police, Haridwar shall examine the petitioner's representation, and take a considered decision thereupon in accordance with law, with utmost expedition, and, in any event, within two weeks' from the date of receipt of the representation. We make it clear that the assessment regarding the threat perception of the petitioner, both with regards his life and that of his family members, are all matters for the Senior Superintendent of Police, Haridwar to assess; and the order now passed by us shall not be understood as this Court having expressed any opinion on whether or not the petitioner's claim, of a threat to his life and that of his family members, is justified.

11. The writ petition stands disposed of accordingly.

No costs.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/kunwar-parnav-singh-champion-…