

(2017) 01 UK CK 0028
In the Uttarakhand High Court
Case No : 101 of 2017 (M of S)

Kunwar Pranav Singh Champion

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 12-01-2017

Acts Referred:

Citation : (2017) 01 UK CK 0028

Hon'ble Judges : V.K. Bist

Bench : Single Bench

Advocate : Shobhit Saharia, B.S. Parihar, Paresh Tripathi

Judgement

1. By means of this writ petition, the petitioner has sought a writ of mandamus commanding the respondents to enhance the security and safety cover of the petitioner from present "Y" category to "Z" category and to pass appropriate orders on his pending application.

2. The case of the petitioner is that he is a sitting Member of Legislative Assembly. He was first elected as an independent MLA from the Laksar constituency in the year 2002, thereafter he again got elected in the year 2007 and again 3rd time he got elected to the Legislative Assembly in 2012 from Khanpur constituency. Being unsatisfied with the function and work of the present Government, the petitioner along with 9 other MLA's showed their dissatisfaction and sought division of votes on the appropriation bill, which resulted in imposition of President Rule in the State. Later on, the petitioner joined Bhartiya Janta Party. According to the petitioner, due to some communal riots provoked by

Chaudhary Rajendra Singh, District President of Indian National Congress and Furkan Ahmad, M.L.A. (Congress), the petitioner on having threat to his life and his family members, requested the higher officials of the Police Department to provide adequate security of life and property to the petitioner and his family members. However, in between, the security cover given to the petitioner and his

family was withdrawn by the State Government and the wife of the petitioner was constrained to file a writ petition before this Court for providing adequate protection to her. In the said writ petition, an affidavit was filed in which the details of the security provided to the petitioner was disclosed and wherein it was specifically mentioned that at any point of time only two PSO's accompany the petitioner, under "Y" category sanctioned by the Central Government. The petitioner alleges that after disposal of said writ petition, the State Machinery has passed orders of releasing of respondent no.5, who is a hardcore criminal, just to finish off the petitioner and his family. Thus, the petitioner is seeking enhancement of security and safety cover provided to the petitioner from present "Y" category to "Z" category and an application to this effect dated 04.01.2017 has also been moved by the petitioner before the Minister concerned.

3. Learned counsel for the petitioner confines his prayer to the extent that a direction may be issued to the respondent no.2 to take a decision on the application moved by the petitioner dated 04.01.2017

for enhancement of security from present "Y" category to "Z" category, strictly as per law.

4. I have considered the submission of learned counsel for the petitioner and have also perused the entire material available on file.

5. A perusal of the application dated 04.01.2017 moved by the petitioner for enhancement of security from present "Y" category to "Z" category, it transpires that the same is not addressed to Secretary Home, rather it is addressed to Hon"ble Home Minister, Government of India, New Delhi. It is also not known as to whether that application is lying with the Home Minister or has been sent to the concerned Secretary. Assembly election has already been notified in the State. Petitioner has not stated the norms for grant of "Z" category security. It is also not clear that petitioner fulfills all those norms. In view of all these facts, I do not find this case a fit case where any direction should be issued to the respondents for grant of "Z" category security. It is always open for the competent authority to pass order on the representation of the petitioner as per norms fixed by the government for grant of "Z" category security. The writ petition is, accordingly, dismissed.

6. Let certified copy of the order be supplied to the parties today itself.