

(2019) 07 J&K CK 0038

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 2141 Of 2018, IA No. 01 Of 2018

Mohd. Farooq Chowdhary

APPELLANT

Vs

State Of Jammu & Kashmir And & Ors

RESPONDENT

Date of Decision : 25-07-2019

Acts Referred:

Citation : (2019) 07 J&K CK 0038

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : Sanchit Verma, Raman Sharma

Final Decision : Disposed Off

Judgement

Tashi Rabstan, J

1. The petitioner has filed this petition seeking direction to the respondents to restore the personal security of the petitioner provided in terms of the order dated 03.02.2018.

2. It is contended by learned counsel for the petitioner that the petitioner has been served as member of J&K State Advisory Board for the

development of Gujjar and Bakerwal from 1997 and subsequently elected and served as Sarpanch of Halqa Mukyas Chilli District Doda. It is stated

by learned counsel for the petitioner that in the year 1998, during the peak years of militancy in the state, the militants started extending threats to the

life and property of the petitioner.

3. It is further stated that on 10.08.2007, the militants fired upon the petitioner and the personal security guards of the petitioner retaliated the

murderous attack by the militants on the life of the petitioner. The matter was reported to the Station House Officer, Police Station Gandoh by the

concerned police post for further necessary action. It is further stated that taking into account the threat perceptions the petitioner was provided two security guards, however, in the year 2014, one personal security guard of the petitioner was withdrawn by the official respondents and the second one was allowed to continue as PSO with the petitioner.

4. It is stated that the respondent No. 3 vide communication dated 03.02.2018 provided SPO namely Mohd. Yousaf as personal security guard to the petitioner being the Executive Member of J&K State Congress, however, the said SPO was withdrawn by the respondent No. 3 without assigning any reasons, therefore, the petitioner and his family has been facing/receiving serious threats to their life and property at the hands of militants and other anti-social elements inimical to India since then. It is stated that withdrawal of security by the respondents at this stage has exposed the petitioner and his family to serious threats and has endangered the life and property of the petitioner. Thus, the petitioner is seeking direction to the respondents.

5. Despite opportunities, response has not been filed by the respondents, therefore, it is deemed appropriate to disposed of this petition instead of keeping it pending. Accordingly, this writ petition is disposed of with a direction to the respondents to consider the grievances as projected by the petitioner in the writ petition and pass a consideration order strictly on the basis of the policy, guidelines, rules and regulations and of course on the basis of threat perceptions on the petitioner, within a period of four weeks from the date a copy of this order along with complete set of paper book is made available to the respondents.

6. Disposed of as above along with connected IA