

(2010) 06 UK CK 0012
In the Uttarakhand High Court

Naresh Kumar

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 08-06-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 06 UK CK 0012

Hon'ble Judges : Nirmal Yadav, J;B.C.Kandpal, J

Bench : Division Bench

Judgement

1. By way of this writ petition under Article 226 of the Constitution of India, the petitioner has prayed for issuing a writ in the nature of mandamus directing the respondent Nos. 1 to 3 to provide appropriate and adequate protection to the petitioner, in view of the continuous threats being extended by the Shopkeepers of Sabji Mandi (cloth market), Rudrapur as his life and liberty is in danger.

2. As per the petition, the petitioner is a social activist and he filed a Writ Petition (P.I.L.) before the High Court for taking action against the encroachers/shopkeepers and demolish the illegal encroachment made by the encroachers/shopkeepers on the public path. On his petition, the High Court has taken cognizance and finally passed an order that illegal constructions should be demolished by the District Authority. In view of the directions issued by Hon'ble High Court, the shopkeepers/encroachers with the local people have put the life of the petitioner in danger and the petitioner is apprehending that at any time harmful activity against him can be caused by anyone. The local people and shopkeepers are also trying to falsely implicate to the petitioner in any false case. Hence the writ petition.

3. Heard Ms. Prabha Naithani, learned Counsel for the petitioner, Sri Nandan Arya, learned A.G.A. for the State/respondent Nos. 1 to 3 and perused the material available before us.

4. We, vide order dated 12.05.2010, directed learned A.G.A. to file counter

affidavit on behalf of respondent No. 3 i.e. S.S.P., Udham Singh Nagar stating therein specifically what is the status of the threat perception to the petitioner. In compliance of the order of this Court, the counter affidavit has been filed by the respondent No. 3 i.e. S.S.P., U.S.Nagar and letters annexing therewith indicates that S.S.P., U.S.Nagar directed to local investigation bureau to provide the security to the petitioner as and when it is required. S.S.P., U.S. Nagar vide order dated 14.05.2010 has also passed an order and directed the S.H.O., Rudrapur that as and when petitioner claims for the security he should be provided the same without causing any undue delay after assessing the entire situation at the spot.

5. In view of the aforesaid, we do not find any necessity to issue any writ in the nature of mandamus as has been prayed by the petitioner at this stage.

6. However, we made it clear as and when any threat perception occurs to the petitioner, he may approach S.S.P., U.S. Nagar by way of a representation and the S.S.P., U.S. Nagar after assessing entire situation at the spot, shall provide the adequate security to the petitioner.

7. With the aforesaid observation, the petition is disposed of finally.