

(2012) 11 AHC CK 0173

Allahabad High Court

Case No: Civil Miscellaneous Writ Petition No. 50235 of 2012

Zulfiqar Ahmed Bhutto

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Nov. 8, 2012

Citation: (2013) 2 ADJ 397

Hon'ble Judges: Amitava Lala, Acting C.J.; P.K.S. Baghel, J

Bench: Division Bench

Advocate: Vatsala, for the Appellant; Ramanand Pandey, S.C., for the Respondent

Judgement

1. The petitioner has preferred this writ petition for issuance of a writ of certiorari to quash the order dated 20.5.2012, whereby his prayer for providing police security/gunner has been rejected.

A brief reference to the facts would suffice.

The petitioner was Member of Legislative Assembly of Uttar Pradesh from Agra Cantt. Constituency from the year 2007-2012 as a candidate of Bahujan Samaj Party. It is stated that he is also doing the business of import and export of leather paying huge income tax. After the change of Government he is apprehending that his life may be in danger because of political rivalry. He has not given any facts with regard to his insecurity or for the reasons providing him security/gunner at the cost of the State Exchequer.

With the consent of the parties the writ petition is decided in terms of Rules of the Court.

2. The writ petition runs in nine paragraphs and not a single incident has been mentioned in the writ petition which can demonstrate that there is any threat perception/danger to his life. By the impugned order the Superintendent of Police, Agra has issued order for the withdrawal of the security which was earlier provided to him. The impugned order has been passed in pursuance of a Government Order

dated 17.5.2012. The petitioner has not challenged the said Government Order. It has also not brought on record.

3. Learned counsel for the petitioner has submitted that the petitioner is paying income tax about one crore and his life may be protected as by change of Government he is feeling insecure.

4. Learned Standing Counsel submitted that there is no facts have been mentioned by the petitioner in the writ petition justifying his prayer for providing him security/gunner.

5. After careful consideration of the submissions of the learned counsel for the respective parties, we are of the opinion that no interference is called for in the impugned order. The petitioner has failed to make out any case for providing him security/gunner. Not a single incident of the past has been mentioned in the writ petition justifying his prayer for the security/gunner. The security/gunner cannot be provided on the ground simply because the person feels insecure or he is paying huge income tax. If a person like petitioner feels insecure he can afford private security.

We are of the view that basically the security personnel are employed to maintain the law and order and for the security of the public at large and not for individual person just for asking.

However, we are of the opinion that the State Government may frame a guideline for providing security/gunner at the cost of the public exchequer or at own cost to avoid arbitrariness in its action. A large number of writ petitions are filed for the similar relief's but the State Government inspite of earlier orders of this Court has failed to produce any guidelines in the matter of providing security/gunner.

For the reasons herein above, we issue a direction the State Government to frame a guidelines for providing the security/ gunner to individual persons within a reasonable time.

With the aforesaid observations/direction the writ petition is disposed of at the stage of admission on contest.

However, no order is passed as to costs.