

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPPIL No. 38 of 2023 <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u></p> <p>Mr. Shobhit Saharia and Ms. Shakshi Singh, Advocates for the petitioner.</p> <p>2. Mr. Arvind Vashistha, Senior Advocate assisted by Mr. Puran Singh Bisht, Additional Chief Standing Counsel for the State of Uttarakhand.</p> <p>3. Mr. Aditya Singh & Mr. Gopal K. Verma, Advocates for the respondent nos. 7 & 8.</p> <p>4. Petitioner is a resident of Gordhanpur, Haridwar. He has filed this writ petition, in public interest, seeking the following reliefs: -</p> <p><i>"a) Issue a writ, order or direction in the nature of certiorari quashing the order dated 07.07.2022, 14.07.2022 and 26.11.2021, after calling for all the related record from respondent no. 1, providing police personnel at State/Public expense.</i></p> <p><i>b) Issue a writ, order or direction, in the nature of Mandamus commanding the respondent no. 1 to review all the decisions taken by it in respect of private respondents and similarly situated persons strictly as per the decision dated 10.11.2017 passed by the Hon'ble High Court in WPCRL No. 1037 of 2016."</i></p> <p>5. In sum and substance, petitioner has questioned grant of Y+ security at State expense to respondent nos. 7 & 8. The following averments have been made in paragraph nos. 10, 13, 14, 15, 17 & 22 of the writ petition: -</p> <p><i>"10. That the petitioner most humbly seek to bring to the kind notice of the Hon'ble Court diversion of Police personnel for the alleged security and safety of private respondent, who not only is having more than 19 criminal cases registered against him but also in</i></p>

whose respect providing of only one extra gunner was recommended vis-à-vis the threat perception, however under the influence of powers that be, in teeth of such recommendations private respondent vide order dated 07.07.2022 has been granted Y+ level security with escort and vide another order dated 14.07.2022, in addition, a permanent gaarad at his home in Haridwar as well as Dehradun has also been provided and in addition to this even his wife has been provided two extra gunners vide order dated 26.11.2021 on State expense and at the cost of public exchequer. A true copy of 07.07.2022, 14.07.2022 and 26.11.2021 as annexed herewith and marked as Annexure no. 2, Annexure no. 3, and Annexure no. 4, respectively to this writ petition.

13. That a report was made on 29.06.2022, sent to the State in continuance of report dated 10.06.2022, after even considering 15 cases registered against the private respondent and wrongfully mentioning that the case of private respondent being provided one extra gunner has been recommended & it was mentioned that the decision for providing one extra gunner may be taken at a State level. A true copy of report dated 29.06.2022 is annexed herewith and marked as Annexure no. 6 to this writ petition.

14. That notwithstanding report dated 10.06.2022 & 29.06.2022 vide order dated 07.07.2022 y+ security has been granted to private respondent along with an escort and more pertinently this Y+ security has been provided to the Hon'ble Cabinet Ministers in the State and this security has been provided to the private respondent at the expense of public exchequer.

15. That not stopping here in the next seven days in addition to this Y+ security, a permanent gaard i.e. permanent stationing of police personnel at the house of private respondent at Haridwar as well as Dehradun has also been provided and it is submitted that under RTI Act before passing of orders dated 07.07.2022 and 14.07.2022 neither any change occurred or any new report was sought from local intelligence unit or the committee in terms of Judgment passed by this Hon'ble Court in WPCRL No. 1037 of 2016.

17. That thus granting of Y+ security along with an escort, thereafter providing an permanent guard at two homes and also providing two arm gunners speaks volume for not only the kind of influence and closeness private respondent has in the corridors of power but also how patently and blatantly directions passed by the Hon'ble High Court are been violated and flouted and how the public at large and public exchequer is been adversely and substantially effected.

22. That the private respondent is using the extra security and protection cover provided to him not only as a status symbol but also to harass and create an environment of fear amongst the common citizens and has so much of clout and fear instilled that most

of the citizens cannot dare to challenge his authority and power, which is enjoying because of his closeness to the powers that be."

6. This Court, vide order dated 29.03.2023 had called upon the official respondents to place intelligence input regarding threat perception to respondent no.7 in a sealed cover, before the next date of listing. Report of assessment of threat perception, made in May, 2022 was produced in a sealed cover before the Court. The said assessment was made by a team of officers comprising Superintendent of Police (Regional), Dehradun, Senior Superintendent of Police, Haridwar and District Magistrate, Haridwar. Perusal of said report indicates that there is no direct threat to the life of respondent no. 7 and one gunner was already given to him by virtue of his status as Member of Legislative Assembly and the committee had recommended to grant one more gunner to respondent no. 7 on the ground that he had to travel at odd hours due to political reasons, and there was possibility of attack on his life by his political rivals and criminals.

7. Learned counsel for the petitioner submits that when the assessment committee recommended for one additional gunner only, then the decision to provide Y+ security to respondent no. 7 at public expense is absolutely unwarranted and amounts to misuse of public money. It is further submitted that Y+ security has been provided to respondent no. 7 for extraneous reasons in violation of judgment of this Court.

8. Without going into merits of the case, we think that ends of justice would be met, if Home Secretary, Government of

Uttarakhand is directed to re-visit the decision of granting Y+ security at public expense to respondent no. 7, who shall take an informed decision, after considering all relevant aspects of the matter.

9. Accordingly, writ petition is disposed of with direction to the Secretary, Home Department, Government of Uttarakhand to have the threat perception to respondent no. 7, re-assessed by a committee consisting of senior officers, as per norms and thereafter to take decision as to whether the security cover provided to respondent no. 7 deserves to be further continued or not. This Court hopes and expects that such decision shall be taken by the Secretary, Home, within four weeks.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)

08.07.2024

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