

VERDICTUM.IN

Court No. - 1

Case :- WRIT - C No. - 2502 of 2023

Petitioner :- Swami Prasad Maurya

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt.
U.P. Sectt. Lko. And 3 Others

Counsel for Petitioner :- Abhay Pratap Yadav, Deepak
Yadav, Prashant Singh, Rajesh Kumar Kashyap, Sandeep Kumar
Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Devendra Kumar Upadhyaya, J.

Hon'ble Om Prakash Shukla, J.

Heard Shri Abhay Pratap Yadav, learned counsel for the petitioner and Shri Manish Mishra, learned counsel representing the State-respondents.

By instituting these proceedings, the petitioner, who is a member of State Legislative Council, has prayed for issuing an appropriate order or direction to the respondents to provide him security for protecting his life and liberty by enhancing the security to Y or Z Category.

The submission of the learned counsel for the petitioner is that though the petitioner has been given the security comprising of two gunners, however, in view of the threat perception to his life the said security is inadequate. Learned counsel for the petitioner has drawn our attention to an F.I.R. lodged on 01.03.2022, under Sections 147, 148, 323, 504, 506, 392, 427, 171-F and 352 I.P.C. at Police Station Vishnupura, District Kushinagar wherein certain incident has been recited and according to the learned counsel for the petitioner, he is constantly under threat.

Learned State counsel on the basis of instructions received has submitted that in fact after formation of Police Commissionerate at Lucknow, in terms of the Government Order dated 10.07.2020, threat perception is to be assessed firstly by the Commissionerate Level Committee and thereafter, based on evaluation of the threat to the life and liberty/property of any individual, decision is to be taken. He has further stated that the matter relating to the petitioner's security was considered by the Commissionerate Level Committee which, in its meeting dated 22.03.2023, did not find it appropriate to enhance the security which the petitioner has already been provided. The copy of the said decision of the Commissionerate Level Committee, dated 22.03.2023 has been handed over to

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the learned State counsel to the petitioner.

In view of the aforesaid, this writ petition has been rendered infructuous which is hereby **dismissed** as such. However, notwithstanding dismissal of this writ petition, if the petitioner is in any manner aggrieved by the decision of the Commissionerate Level Committee, dated 22.03.2023 it would be open to him to challenge the same before any appropriate court/forum.

Order Date :- 3.4.2023

S. Shivhare