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ITEM NO. 47

Court No. 7

SECTION PIL

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (C) No. 13381 of 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Appln. for directions and office report)

with

I.A. No. 428 in W.P.(C) No.13381 of 1984  
(for directions)

I.A. No. 376 in W.P.(C) No.13381 of 1984  
(for directions)

I.A. No. 460 and 482 in W.P.(C) No.13381 of 1984  
(for directions and permission to file rejoinder affidavit)

I.A. No. 487 in W.P.(C) No.13381 of 1984  
(for directions)

I.A. No. 388 in W.P.(C) No.13381 of 1984  
(for directions)

I.A. No. 488 in W.P.(C) No.13381 of 1984  
(for directions)

I.A. No. 489 in IA 388 in W.P.(C) No.13381 of 1984  
(for directions)

I.A. No. 499, 500 and 506 in W.P.(C) No.13381 of 1984  
(for impleadment, directions and exem. from filing adl. documents on  
behalf National Highway Authority of India)

I.A.Nos. 513-516 in W.P.(C) No. 13381 of 1984  
(For directions and exem. from filing O.T. and permission to file  
adl. documents)

I.A. Nos. 517-518 in I.A. No. 460 in W.P.(C) No. 13381 of 1984  
(For permission to file adl. documents and exem. from filing O.T.)

Date: 25/11/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. P.S.Narasimha, Sr. Adv. (A.C)

Mr. M.C.Mehta, In-person

For Applicant Mr. M.C.Dhingra, Adv.  
Mr. Piyush Kant Roy, Adv.

For Respondent(s) Mr. A.D.N.Rao, Adv.

Ms. Mansha Monga, Adv.

Mr. Rakesh Khanna, ASG,  
Mr. V.K.Biju, Adv.  
Mr. D.S.Mahra, Adv.  
Ms. Bhawna Singh, Adv.  
Mr. S.S.Rawat, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Shiv Prakash Pandey, Adv.

Mr. S.N.Terdol, adv.

Mr. Ajay Aggarwal Application in-person

Mr. Rajeev Dubey, Adv.  
Mr. Shantanu Bansal, Adv.  
Mr. Abhishek Chaudhary, Adv.

Mr. K.N.Bhat, Sr. Adv.  
Mr. Tavinder Sidhu, Adv.  
Mr. Ganesh Kamath, Adv.  
Ms. Pallavi Mohan, Adv.  
M/s. M.V.Kini and Associates

Mr. Pradeep Misra, Adv.  
Mr. Manoj Kr. Sharma, Adv.

UPON hearing counsel the Court made the following  
O R D E R

I.A. No. 499:

The Central Empowered Committee is requested to examine the prayer and submit its recommendations to this Court within six weeks.

I.A. Nos. 388, 488 and 489 :

By our order dated 14.07.2003 we had directed the Commissioner of Police, New Delhi to provide adequate protection to Mr. Ajay Agarwal, Advocate of this Court and his family members in view of certain allegations made by him suggesting that he and his family members had a serious threat to their life. Mr. Rakesh Khanna, learned ASG has now moved an application (IA No. 488) in which it is inter alia pointed out that the threat perception qua Mr. Agarwal has been reviewed by the Delhi police and a threat assessment report prepared and submitted to the police headquarters. In the light of that review and assessment the police proposes to withdraw the protection granted to Mr. Agarwal. The application along with a copy of the threat assessment report in regard to Mr. Agarwal, seeks permission of this court to withdraw the security cover as according to the said assessment reports and subsequent reports on the subject there is no threat to Mr. Agarwal or his family members. Mr. Khanna argues that notwithstanding the threat assessment reports by the Delhi Police the security cover given to Shri Agarwal has continued as the same could not be withdrawn without leave of this Court. He prays for leave of this Court to withdraw the security cover.

Ms. Alka Aggarwal, learned counsel appearing for Mr. Ajay Aggarwal argued that the assessment reports do not appear to be objective and can not therefore be made a basis for withdrawal of the security cover given to Mr. Agarwal and his family. She points out certain incidents that have taken place after the order of this Court dated

14.07.2003 which according to her suggest that the threat perception continues and so also the need for protecting Mr.

Agarwal and his family against the same.

The question whether security cover needs at State expense to be given to an individual is a matter that rests primarily with the police authorities concerned. It is true that keeping in view the seriousness of the allegations made in the application filed by Mr. Agarwal, this Court had directed that such protection be granted ostensibly because Mr. Agarwal was at the relevant point of time appearing as a counsel for the State of U.P. Mr. Khanna however submits that Mr. Agarwal is no longer a State counsel nor is he appearing in these proceedings. In that view therefore the authorities were justified in periodically reviewing the threat perception. If in the opinion of the competent authority, the threat perception has disappeared calling for withdrawal of the protection, there is no reason why we should prevent the authorities from doing so. At any rate since certain subsequent events are also alleged to have taken place which according to the learned counsel for Mr. Agarwal suggests continues the threat perception, we would expect the competent authority to review the threat perception once again and take an objective and responsible decision on the subject. In case upon such a fresh review also the competent authority continues to hold the view that there

is no threat perception calling for any protection to Mr. Agarwal and his family members at the expense of the State he will be free to pass appropriate orders withdrawing such protection.

I.A. No. 488 is with that direction disposed of.

I.A. No. 487

While Agra Development Authority had already filed its response to this I.A. we deem it just and proper to direct ASI also to examine the matter and submit a response.

I.A. No. 460 and 482, 513-516 :

The Central Empowered Committee is requested to examine the prayer and submit its recommendations to this Court within six weeks.

|(Shashi Sareen)

|Court Master

|(Veena Khera)

| |Court Master

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