

Gujarat High Court

Parvatiben vs Police on 2 September, 2011

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Gujarat High Court Case Information System

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SCR.A/1961/2011 3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CRIMINAL APPLICATION No. 1961 of 2011

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PARVATIBEN
WD/O NATHUBHAI KHUSHALBHAI & 7 - Petitioner(s)

Versus

POLICE
INSPECTOR & 2 - Respondent(s)

=====

Appearance :
MR
NM KAPADIA for
Petitioner(s) : 1 - 8.
None for Respondent(s) : 1 - 2.
MR KP
RAVAL, APP for Respondent(s) :
3,
=====

CORAM

:

HONOURABLE

MR.JUSTICE M.R. SHAH

Date
: 02/09/2011

ORAL
ORDER

1. The present Special Criminal Application under Article 226 of the Constitution of India has been preferred by the petitioners for an appropriate writ, order or direction quashing and setting aside the impugned communication dated 09/05/2011 and consequently direct the respondents to grant police protection/security or police bandobast to the petitioners for a period of 30 days.

2. It appears that as the petitioners were apprehending breach of law and order by the persons named in the application dated 16/06/2011, they requested for police protection/police bandobast while putting up construction of compound wall and vide impugned communication the same has been rejected by the office of the Commissioner of Police, Surat on the ground that there is a Court case pending.

3. Shri Kapadia, learned advocate appearing on behalf of the petitioners has submitted that as such no Court case is pending and still the application of the petitioners for police bandobast has been rejected by the office of the Commissioner of Police, Surat.

4. On an advance copy of the petition being served upon the learned APP, Shri K.P. Raval, has appeared on behalf of the respondents and under instructions from the concerned respondents has candidly admitted that as such no Court case is pending except the proceedings under Section 145 of the Code of Criminal Procedure. He has also stated at the bar, under instructions from the concerned respondents, that police protection/police bandobast can be granted to the petitioners at their own cost and number of Police Officers required shall be decided by the office of the Commissioner of Police, Surat and the same shall be informed to the petitioners within a period of one week from the date of receipt of the present order alongwith the expenditure for the same. On such deposit, if there is no prohibitory order passed by any Court, police protection/police bandobast can be given to the petitioners as and when the petitioners propose to put up the compound wall with prior intimation in advance.

4.1. Concerned respondents are directed to act as stated hereinabove and consider the request of the petitioners for grant of police protection/police bandobast as and when they propose to put up the compound wall around their own land, with prior intimation and at their own cost and number of Police Officers required for police protection/police bandobast shall be decided by the Commissioner of Police, Surat within a period of one week from the date of receipt of the present order and the petitioners shall also be intimated the approximate expenditure for the same and on

such deposit the prayer of the petitioners for police protection/police bandobast be considered. If it is found that there is any prohibitory order by any Court, in that case, there is no question of granting any police protection/police bandobast to the petitioners.

5. With this, the present Special Criminal Application is disposed of.

Direct service is permitted.

(M.R.

SHAH, J.) siji Top