

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF SEPTEMBER, 2015

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO.40992/2014 (GM-POLICE)
C/W
WRIT PETITION NO.40740/2014 (GM-POLICE)

IN WP NO.40992/2014

BETWEEN:

SRI ISTHAIQ AHMMED
S/O SRI M.KALLED
AGED 40 YEARS
RESIDING AT NO.10/A, NOHASTREET
SHIVAJINAGAR
BANGALORE – 560 001.

... PETITIONER

(BY SRI G.R.MOHAN, ADVOCATE)

AND:

STATE OF KARNATAKA
HOME DEPARTMENT
VIDHANA SOUDHA
BANGALORE – 560 001
REPRESENTED BY ITS SECRETARY

THE COMMISSIONER OF POLICE
INFANTRY ROAD
BANGALORE – 560 001.

... RESPONDENT

(BY SRI VIJAYA KUMAR A PATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO CONSIDER THE REPRESENTATION OF THE PETITIONER DT.05.06.2014 AS PER ANN-A, AS IT IS THEIR CONSTITUTIONAL OBLIGATION TO PROTECT THE LIFE OF THE PETITIONER & HIS WIFE WHOSE LIFE IS IN DANGER.

IN WP NO.40740/2014

BETWEEN:

FAMIDA TANVEER
AGED ABOUT 38 YEARS
W/O TANVEER AHMED
#7, III STREET, SULTAN NAGAR
SHIVAJINAGAR
BENGALURU – 560 051

... PETITIONER

(BY SRI M.VINAYA KEERTHY & SRI K.RAM SINGH,
ADVOCATES)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF HOME
VIKASA SOUDHA
BENGALURU – 560 001
2. THE COMMISSIONER OF POLICE
MAHAVEERA ROAD
BENGALURU – 560 001
3. THE STATION HOUSE OFFICER
SHIVAJINAGAR POLICE STATION
SHIVAJINAGAR
BENGALURU – 560 001

... RESPONDENTS

(BY SRI VIJAY KUMAR A PATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2 & 3 TO CONSIDER THE REPRESENTATIONS DT.19.05.2014 & 23.08.2014 (ANNX-A & E)

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner in Writ Petition No.40992/2014 is seeking for a mandamus to be issued to consider the representation and to provide protection to the life of the petitioner and his wife as there is threat to their life.

The petitioner in Writ Petition No.40740/2014 is seeking issue of mandamus to direct the respondents 2 and 3 to consider the representation dated 19.5.2014 and 23.8.2014 wherein the petitioner therein is also seeking a similar action from the respondents. The petitions have been taken up for consideration together for the reason that while making such request the petitioner in each of these cases have made an allegation against each other with regard to the manner in which there is threat to each other's life.

2. At the outset, the learned Government Advocate on instructions would submit that the petitioners in both these petitions are involved in criminal activities and several cases have been booked against both of them. Though such contention is put-forth, the details of the cases registered against the petitioners need not be gone into in the instant petitions. However, if any citizen including the petitioners herein bring to the notice of the jurisdictional police with regard to any likely attack or there is already being any attack on them with specific details, the jurisdictional police as law enforcing authorities would have to take note of such a complaint and take action in accordance with law. In that view, in a matter of present nature, since the representations were made in the year 2014 and sufficient time has elapsed, the threat as has been indicated at that point cannot be the basis to consider the representation at this juncture. However, if there are subsequent instances and if such specific instances are brought to the notice of the jurisdictional police by the petitioners in both these

cases, the jurisdictional police shall take note of the same and proceed further in accordance with law.

3. Reserving such liberty to the petitioners to file such complaint and direction to the respondents to act in accordance with law, both these petitions stand disposed of.

**Sd/-
JUDGE**

*AP