

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (DIRECTION - POLICE PROTECTION) NO.
2791 of 2024**

M/S. INDUS TOWERS LIMITED THROUGH AMIT GAJJAR
Versus
STATE OF GUJARAT & ORS.

Appearance:

MR RAJABHAI J GOGDA(3628) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3

MS DIVYANGANA JHALA, APP for the Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 29/02/2024
ORAL ORDER

1. Draft amendment is allowed. To be carried out forthwith.
2. The Draft Amendment is taken on record.
3. The present petition is filed by the petitioner seeking the following reliefs:
 - (A) *Your Lordships may be pleased to admit and allow the present petition;*
 - (B) *Your Lordships may be pleased to issue a writ of mandamus and/or any other appropriate writ, order or direction directing the respondent No.2-Direct General of Police, Gandhinagar to provide the petitioner with police protection for execution of works at necessary places as and when required;*
 - (C) *Your Lordships may be pleased to direct the respondent No.3 to provide police protection to the petitioner as the sum requisite has been already paid by the petitioner.*
 - (D) *Your Lordships may be pleased to pass any other and further reliefs which may deem fit and proper in the interest of justice;*
4. Heard learned advocates for the respective parties.

5. Learned advocate for the petitioner has submitted that the petitioner has filed this petition being aggrieved by the inaction of the respondent authority in providing police protection and in taking any action to support the petitioner in spite of the several representations made by the petitioner to the respondent authority. For buttress his submission he has relied upon the judgment passed by the Madras High Court in the Writ Petition No.2242 of 2021.

6. It appears from the record that the petitioner has filed several representations before the respondent authority requesting police protection. Pursuant to a representation dated 06.12.2023 addressed to respondent No. 2 - The Director General of Police, wherein respondent No. 2 directed all Commissioners, Heads, Range Officers, and Superintendents of Police to provide police protection to the petitioner based on the local situation, in light of several applications filed by the petitioner on various occasions. Through an application dated 05.05.2023, the petitioner requested police protection from respondent No. 3 for a period of three days for the installation of a mobile tower. Respondent No. 3 issued an order specifying the amount payable by the petitioner for procuring police protection and the conditions thereof. Pursuant to the order dated 31.05.2023, the petitioner paid the requisite amount for police protection, which was acknowledged by respondent No. 3. However, despite the payment made for police protection, as mentioned, no action pertaining to the provision of police protection was ever taken by respondent No. 3.

7. Considering the aforesaid fact, the concerned police

authorities, including the Superintendents of Police of the respective districts, must have to assess the local law and order situation. If they identify any potential threats to law and order, then they shall have to provide police protection to the petitioner's company at the cost of the petitioner. However, in this regard a direction has been issued by the D.G. (Law and Order) at Annexure-B.

8. In view of the above, the petition stands disposed of. However, it is clarified that this Court has not gone into the merits of the case. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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