



2026:AHC:29558-DB

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 41622 of 2025

Vikas Chaudhary And Another

.....Petitioner(s)

Versus

Union Of India And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Afzal Parvej, Akhilesh Kumar Tiwari,
Arif Iqbal, Sarphraj
Counsel for Respondent(s) : A.S.G.I., C.S.C., Vinay Kumar Singh

Court No. - 40

HON'BLE SARAL SRIVASTAVA, J.

HON'BLE SUDHANSHU CHAUHAN, J.

(Delivered by Hon'ble Sudhanshu Chauhan, J.)

1. Heard learned counsel for the petitioners and learned standing counsel for the State-respondents.
2. The petitioners have filed the present writ petition seeking a direction for the Secretary, Ministry of Home Affairs, Government of India to immediately provide armed Central Security Force Protection (CRPF) to the petitioners in the light of the grave and persistent threat to the lives of the petitioners.
3. The contention of the petitioner is that three FIRs have been lodged by the petitioners, the first FIR bearing Case Crime No. 185 of 2020 in respect of breaking of boundary wall and labour quarters in the brick-kiln of the petitioners, the second FIR bearing Case Crime No. 700 of 2020 relating to a false trust/deed (as alleged in the writ petition) and the third FIR bearing Case Crime No. 173 of 2023 relating to hacking of the mobile phone of the petitioners. Under the circumstances, it is contended that the petitioners are

facing an imminent threat to their lives and as such they are seeking protection.

4. However, the perusal of the pleadings in the writ petition do not disclose a single specific instance on the basis of which it can be assumed that the petitioners have any threat to their lives. Further, other than the persons who have been named in the FIRs lodged at the instance of the petitioners, not a single person has been named including those named in the FIRs in the writ petition who has hurled any life threat to the petitioners or their family members. It is also duly admitted that vide order dated 06.08.2023, the petitioners have been granted police protection by providing one security guard. Hence, it is evident that the petitioners have already been provided police protection keeping in view the threat perception as assessed by the competent authority.

5. Keeping in view the circumstances of the case and the law laid down in this regard, it can very well be held that the nature of threat perception and the liability to provide security has to be left to be decided by the authorities concerned, since this is clearly a question of fact to be dealt with by the authorities entrusted with the duty and not for this Court to determine while exercising its jurisdiction under Article 226 of the Constitution of India. Moreover, we find that the provision for security in the shape of police personnel has become more of a status symbol by means of which, a privileged class has been created at the expense of the State and the taxpayers' money.

6. In a country governed by the rule of law and democratic polity, a class of privileged persons should not be created by the State. Our country has got a written Constitution and as per the preamble, the goal of the Indian Democratic Republic is to secure justice to all citizens, socially, economically and politically, and equality of status and of opportunity to all. The State cannot be seen as creating a privileged class in the society as it would amount to abdication of the very principle of justice and equality enshrined in the Constitution. There may be cases where public interest demands to provide personal security but same should be done in a transparent and fair manner and the State should be able to justify its decision if, the same is challenged in the Court of law.

7. In this regard, the Hon'ble Supreme Court in the case of **Ramveer Upadhyay Vs. R.M. Srivastava and others, 2015 (13) SCC 370** arising out of a case where Z category security of a Minister in the State of U.P. had been downgraded after he ceased to be a Minister, the Hon'ble Court had held as under:

*"6. However, in our experience, we have hardly seen any security of "Z" or "Y" category provided to any ordinary citizen, howsoever grave the threat perception or imminent danger may be to the person concerned. The petitioner, however, has claimed it obviously as a "privileged class" by virtue of being an ex-Minister which at times, may be justified even to an ex-Minister or any other dignitary, considering the nature and function of the duties which he had discharged, which could facilitate the assessment of his threat perception even after laying down the office. **But what exactly is his threat perception and whether the same is grave in nature, obviously will have to be left to be decided by the authorities including the authorities of the State or the Centre which may include even the Intelligence Bureau or any other authority concerned which is entitled to assess the threat perception of an individual. But insofar as the court of law is concerned, it would obviously be in a predicament to come to any conclusion as to whether the threat perception alleged by a person claiming security is grave or otherwise which would hold him entitled to the security of a greater degree, since this is clearly a question of factual nature to be dealt with by the authorities entrusted with the duty to provide security after assessing the need and genuineness of the threat to any individual.**"*

8. A Coordinate Bench of this Court in the case of **M.A. Khan Chaman Vs. State of U.P. and others, 2004 SCC Online All 373**, wherein the petitioner had sought continuous security that too free of cost, this Court had held as under:

"There is no right of the petitioner to enjoy this privilege ad infinitum. It is regrettable that on flimsy grounds people exercise undue influence and manage to secure gunners and security at State expense and at tax payers cost. In fact acquisition of a gunner has begun to be treated as a status symbol. This practice must be brought to an end. In the circumstances, it

cannot be said that the petitioner is entitled as a matter of right to be provided a security guard at State expense or at reduced cost."

9. Another Coordinate Bench of this Court in Writ Petition No. 10867(MB) of 2021 (***Abhishek Tiwari, Vs. State of U.P. and others***) decided on 04.08.2021, wherein the petitioner had been refused personal security by the competent authority while dismissing the writ petition, this Court had held as under:

"29. As a matter of principle, private individuals should not be given security at State cost unless there are compelling transparent reasons, which warrant such protection, especially if the threat is linked to some public or national service they have rendered and, the security should be granted to such persons until the threat abates. But, if the threat perception is not real, it would not be proper for the Government to grant security at the cost of taxpayers money and to create a privileged class. In a democratic country governed by rule of law and written Constitution providing security at State expense ought not to become an act of patronage to create a coterie of 'obliged' and 'loyal' persons. The limited public resources must be used carefully for welfare schemes and not in creating a privileged class. From a report of Bureau of Police Research and Development (BPR&D), police think tank of the Ministry of Home Affairs (MHA), more than 20,000 additional policemen than the sanctioned strength were deployed in VIP protection duty in the year 2019. As per the report, Data on Police Organizations, 2019, as many as 66,043 policemen were deployed to protect 19,467 Ministers, Members of Parliament, Judges, Bureaucrats and other personalities and, thus number is growing up in every year.

32. This Court, while exercising writ jurisdiction under Article 226 of the Constitution of India, cannot substitute its decision to the decision of the competent Authority in respect of threat perception of the petitioner to his life and property. From the facts as emanate from the record, it is evident that the petitioner does not face any real threat to his life or property. He has been asking for security as authority of symbol to flaunt his status a VIP. This practice, creating a privileged class on State expense and taxpayers money, is to be deprecated. It is, therefore, provided that the

threat perception has to be real and the Security Committee has to assess the threat perception, taking into consideration the reports from Intelligence Unit, the concerned police station and past record of the applicant. The security should be provided only to those who face real threat to their life for having done some work in the interest of the society or the nation from terrorist/naxalite or organized gangs and not otherwise. A personal enmity with other would not come within the parameters for assessing the threat perception of the applicant for providing him security."

10. Similarly, a Division Bench of Punjab and Haryana High Court in **LPA No. 2165 of 2017 (Jaskirat Singh Chahal Vs. State of Punjab and others)** decided on 28.03.2022 while relying upon the law laid down by this Court in the case of **Abhishek Tripathi** (supra) has held as under:

"10. The gravity of threat has to be real and not just based upon perceptive apprehension. In the event the competent authority in the State Govt. is convinced that the threat has abated, there can be no justification to extend a personal security cover at the State's expense, only as an act of patronage or as an act aimed to create a coterie of obliged and loyal persons. Limited public resources cannot be deployed for display of eminence and as an attempt to bolster the ego of the recipient of such protection. The satisfaction of the competent authority cannot be ignored in the absence of any trustworthy, credible and reliable evidence. A Court does not stand as an expert to assess the correctness of the decision of the competent authority and to evaluate the threat, if any, faced by an individual. The same has to be left to the competent authority and its assessment and discretion.

11. This Court, while exercising its jurisdiction under Article 226 of the Constitution of India, cannot substitute its decision for that of the competent authority pertaining to the threat apprehension entertained by the appellant. The facts that emanate from the record do not establish any real threat and it seems that the demand for security is more to display it as an authority of symbol and to flaunt his status as a VIP. This practice of creating a privileged class on the State's expense, by using the taxpayers' money has to be deprecated."

11. Hence in the above background, we are of the view that the threat perception in the present case has already been assessed by the competent authority and security has already been provided to the petitioners. Further, the nature and gravity of threat perception essentially is a question of fact which is best assessed by the authorities constituted under the various government orders and the assessment of the same does not lie within the domain of this Court while exercising its powers under Article 226 of the Constitution of India. Lastly, the petitioners neither have a statutory right nor a fundamental right to claim police protection and as such, usually the right to claim police protection cannot be enforced in exercise of power under Article 226 of the Constitution of India.

12. Under the circumstances, we are not inclined to issue any direction to the authorities concerned for the reasons detailed above.

13. Hence, the writ petition is dismissed. No order as to costs.

February 5, 2026

Arif

(Sudhanshu Chauhan,J.) (Saral Srivastava,J.)