

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HON'BLE SRI JUSTICE B. V. L. N. CHAKRAVARTHI

WRIT PETITION NO: 12881 OF 2024

Between:

P. Sudhakara Reddy, S/o. P. Venugopal Reddy, Aged 65 years, Senior Advocate, R/o. C-18, Raintree Park Villas, Opp. ANU, Nambur, Guntur.

...PETITIONER

AND

1. The State of AP, Rep. by its Principal Secretary, Home Department, Secretariat, Velagapudi, Guntur District.
2. The Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur District.
3. The Security Review Committee, Rep. by its Additional Director General of Police, Intelligence Department, Mangalagiri, Guntur District.
4. The Superintendent of Police, Nellore, SPSR Nellore District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in seeking to withdraw the security in the form of 2 + 2 provided to the petitioner without any prior notice or any objective exercise, as arbitrary and illegal offending Articles 14, 19 and 21 of the Constitution of India and set aside the letter C.No. 548/SB-XI -NLR/2024, Dt 03.08.2024 and issue a direction to the respondents to continue to provide the security personnel in the form of 2 + 2.

(Prayer is amended as per the Court Order dt.08.08.2024 vide orders passed in I.A.No. 05 of 2024) ✓

IA NO: 1 OF 2024 ✓

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to call upon the respondents to provide material on record in regard to the security threat perception of the petitioner herein before undertaking any review of the said decision, pending disposal of the writ petition. ✓

IA NO: 2 OF 2024 ✓

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to withdraw the police security accorded to the petitioner in the form of 2 + 2, pending disposal of the writ petition. ✓

IA NO: 3 OF 2024 ✓

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the interim directions in W.P. No. 12881 of 2024, dated 25.06.2024 until further orders. ✓

IA NO: 4 OF 2024 ✓

Between:

The Superintendent of Police, Nellore, SPSR Nellore District.

...PETITIONER/RESPONDENT No.4 ✓

AND

VERDICTUM.IN

1. P. Sudhakara Reddy, S/o. P. Venugopal Reddy, Aged 65 years, Senior Advocate, R/o. C-18, Raintree Park Villas, Opp. ANU, Nambur, Guntur.

...RESPONDENT/PETITIONER

2. The State of AP, Rep. by its Principal Secretary, Home Department, Secretariat, Velagapudi, Guntur District.
3. The Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur District.
4. The Security Review Committee, Rep. by its Additional Director General of Police, Intelligence Department, Mangalagiri, Guntur District.

...RESPONDENTS/RESPONDENTS 1 to 3

(No relief is claimed against Respondents No.2 to 4 herein) –

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders Dt.25.06.2024 passed in W.P. No.12881 of 2024 and dismiss the writ petition.

Counsel for the Petitioner : SRI M. BALA KRISHNA

**Counsel for the Respondents: SRI D. SRINIVASA RAO LEARNED
ADVOCATE GENERAL GP FOR HOME**

The Court made the following: ORDER

APHC010260822024



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3368]

MONDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

WRIT PETITION NO: 12881/2024

Between:

P Sudhakara Reddy

...PETITIONER

AND

The State Of A.P. and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.M BALA KRISHNA

Counsel for the Respondent(S):

1.GP FOR HOME

The Court made the following:

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No.12881 OF 2024

Between:

P.Şudhakara Reddy, S/o.P.Venugopal Reddy, Aged 65 years, Senior Advocate, R/o.C-18,Raintree Park Villas, Opp.ANU, Nambur, Guntur.

... Petitioner

Versus

- 1.The State of Andhra Pradesh, represented by its Principal Secretary, Home Department, Secretariat, Velagapudi, Guntur District.
2. The Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur District.
3. The Security Review Committee, Rep. by its Additional Director General of Police, Intelligence Department, Mangalagiri, Guntur District.
4. The Superintendent of Police, Nellore, SPSR Nellore District.

..Respondents

DATE OF ORDER PRONOUNCED : 14.10.2024.

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI

1. Whether Reporters of Local Newspapers
may be allowed to see the Order? Yes/No
2. Whether the copy of Order may be
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the
fair copy of the Order? Yes/No

* HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI

+ WRIT PETITION No.12881 OF 2024

% 14.10.2024

Between:

P.Sudhakara Reddy, S/o.P.Venugopal Reddy, Aged 65 years, Senior Advocate, R/o.C-18,Raintree Park Villas, Opp.ANU, Nambur, Guntur.

... Petitioner

Versus

- 1.The State of Andhra Pradesh, represented by its Principal Secretary, Home Department, Secretariat, Velagapudi, Guntur District.
2. The Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur District.
3. The Security Review Committee, Rep. by its Additionalo Director General of Police, Intelligence Department, Mangalagiri, Guntur District.
4. The Superintendent of Police, Nellore, SPSR Nellore District.

! Counsel for the petitioner : Sri M.Bala Krishna

^ Counsel for the Respondents : Sri D.Srinivasa Rao, learned
No.1 to 4/State Advocate General.

< Gist:

> Head Note:

? Cases referred:

1. **G.Subas Reddy Vs. State of Andhra Pradesh reported in 1997 (2) ALD 767.**
2. **Katasani Rami Reddy Vs. Government of Andhra Pradesh reported in 1998 CrI.L.J.3897.**
3. **Bumireddy Ram Gopal Reddy Vs. State of Andhra Pradesh reported in 2022 SCC Online 659.**
4. **A.V.Subba Reddy Vs. State of Andhra Pradesh reported in 2021 (2) ALD 643.**

This Court made the following:

THE HON'BLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI
WRIT PETITION No.12881 OF 2024

ORDER:

Initially the Writ Petition was filed Under Article 226 of Constitution of India to issue a Writ of Mandamus declaring the action of the respondents in seeking to withdraw the security in the form of 2 + 2 provided to the petitioner without any prior notice or any objective exercise as arbitrary and illegal offending Articles 14, 19 and 21 of the Constitution of India and issue a direction to the respondents to continue to provide the security personnel in the form 2 + 2. Later, the petitioner amended including another prayer to set aside the letter C.No.548/SB-XI-NLR/2024, dated 03.08.2024.

02. Heard Sri D. Prakash Reddy, learned Senior Counsel assisted by Sri M. Bala Krishna, learned counsel for Writ Petitioner and learned Advocate General for respondents No.1 to 4.

03. The petitioner is a former Additional Advocate General for the State of Andhra Pradesh. The petitioner contends that he was allotted cases pertaining to 18 Departments which includes most sensitive cases involving the present Chief Minister and other leaders of political parties.

The petitioner handled those cases on behalf of the State. The details of cases are mentioned in the affidavit.

04. The petitioner has been targeted by the then opposition leaders and others. Some section of media also targeted the petitioner, as he appeared against the then opposition leaders. It became difficult for the petitioner to appear on behalf of the State. Therefore, the State accorded 2 + 2 security to the petitioner while he was serving as Additional Advocate General for the State to discharge his duties fearlessly.

05. The son of present Chief Minister, against whom, the petitioner represented on behalf of State made some entries in a book called as "The Red Book". He openly declared in public meetings about mentioning of some names in the Red Book, and that after coming to power, he will not leave them unpunished. The information was published through media channels. The name of the petitioner stands third, as the present Chief Minister was arrested in Skill Development Case. At the same time, the anti social elements are physically targeting the persons, who are not liked by the present ruling party.

06. The petitioner apprehends physical attack. Therefore, for the same reasons, for which the petitioner granted personal security, continuance of same is justified. The petitioner was designated as Senior Counsel by the High Court vide ROC.No.18/SO/2019, dated 06.05.2022. The petitioner has a fundamental right under Article 19 and 21 of Constitution of India to pursue his professions without any fear or intimidation. The State has an obligation to continue the security in the context of guidelines issued by the State, and also in view of the judgments of the High Court regarding evaluation of security threat for the purposes of providing security to the individuals.

07. The flow of events clearly indicate a bona-fide apprehension in the mind of the petitioner that a customary, pre-functionary of process of review of security measures as contemplated under G.O.Ms.No.655 dated 13.03.1997 would be undertaken very soon and a decision would be taken to withdraw the security provided to the petitioner as and when the review is undertaken. This Court in **G.Subas Reddy Vs. State of Andhra Pradesh**¹ issued certain guidelines to be followed for providing security to the private persons, they are in force till date. No exparte

¹ 1997 (2) ALD 767

review of protocol can be deemed appropriate without hearing the citizens concerned.

08. In the circumstances stated above, the petitioner have no efficacious alternative remedy, except to approach this Court under Article 226 of the Constitution of India seeking Writ of Mandamus declaring that the action of the respondents in seeking to withdraw the security in the form of 2 + 2 provided to the petitioner without any prior notice or any objective exercise as arbitrary and illegal, and to direct the respondents to continue the security in the form of 2 + 2.

09. The 4th respondent i.e., Superintendent of Police, SPSR Nellore District, filed counter affidavit and the same was adopted by the 3rd respondent i.e., The Security Review Committee, rep. by its Additional Director General of Police, Intelligence Department, Mangalagiri, stating that there was no threat to the life of the petitioner. The petitioner worked as Additional Advocate General. He was provided with 2 + 2 PSOs (Positional Based Security) as he was attending in several cases on behalf of the State in the capacity of additional Advocate General. The petitioner resigned for the post of Additional Advocate General on 06.06.2024. Now the petitioner is not appearing on behalf of the State.

10. The Security Review Committee (S.R.C.) is the competent authority to decide whether to continue the security or to withdraw the security provided to the petitioner. Security Review Committee (S.R.C.) meeting was conducted on 16.07.2024. The security of the petitioner was reviewed basing on the threat perception. The Security Review Committee has taken a decision that there is no threat to the life of the petitioner and no security to the petitioner is recommended.

11. The latest Threat Perception Report (hereinafter referred to as "T.P.R.") was also obtained from Sub Divisional Police Officer, Nellore Town, as the petitioner is native of Nellore Rural Mandal. The Sub Divisional Police Officer, Nellore Town (In-charge of Nellore Rural Sub Division), not recommended any security to the petitioner, as he was not holding any post.

12. The petitioner cannot make out any case relying on media reports, or You Tube Channels News. Those reports are only hear-say evidence. None of the allegations in report can be proved. The media reports are mere hear-say and inadmissible as evidence. There is no material to substantiate the allegations of the petitioner. Therefore, there is no

material placed before the Court in support of the allegations of the petitioner.

13. The threat perception is a dynamic phenomenon. It is never permanent. Therefore, it is reviewed periodically. The security of an individual is given highest priority by the State. If there are inputs that there is imminent danger to the life and security of the individual, security cover is provided immediately. This Court in the case of **Katasani Rami Reddy Vs. Government of Andhra Pradesh**² held that *“threat to one’s life may be temporary and in such a case continuous security may not be needed. Whenever personal security is provided to a person, it must be constantly reviewed by the concerned Superintendent of Police on the basis of information available with him. If he genuinely feels that threat is vanished, he may recall the security”*.

14. This Court in W.P.No.16540/2019 observed that *“providing security cover is only to protect the life of individual and it cannot be utilised as a tool to exert threat on other rival groups and it is not a label of bureaucracy. The High Court while exercising power under Article 226 of the Constitution of India, cannot sit over appeal against the decision*

² 1998 Cri.L.J. 3897

taken by the State Level Security Review Committee and compel them to provide necessary security cover to the petitioner, when the committee based on the Track Perception Report assessed the threat perception and took a decision”.

15. The claim of the petitioner is not based on any material. The removal of security cover to the petitioner is based on the Security Review Committee report. This Court in W.P.16540/2019 further held that *“issuance of Writ of Mandamus is purely discretionary and the same cannot be issued as a matter of course. The petitioner must establish the right first and then seek for the prayer to enforce such right. The Court will enforce statutory duties for the public bodies on application of a person, who can show that he himself has a legal right to insist of such performance. The existence of a right is the foundation of jurisdiction of a Court to issue Writ of Mandamus”.*

16. This Court in the case of **Bumireddy Ram Gopal Reddy Vs. State of Andhra Pradesh**³ held that *“the law on the subject is also sufficiently clear that the threat perception is a dynamic concept that is ever changing. There cannot be any hard and fast rule for determining*

³ 2022 SCC Online 659

the threat perception". The Court does not have expertise to determine the threat perception. The Police/Security Agencies is the expertise and the experience to determine the actual threat perception to the person. Therefore, the petitioner is not entitled to any relief as prayed for.

17. A reply affidavit came to be filed by the petitioner on 31.07.2024 disputing the averments made in the counter affidavit filed by the 4th respondent. Contended that as per the counter affidavit, Threat Perception Report was obtained from SDOP, Nellore. He recommended not to continue security to the petitioner, as the petitioner is not holding any post. In pursuant to the same, on 16.07.2024 basing on the Threat Perception Report forwarded to the Security Review Committee, a review was conducted and decision was taken. Therefore, the decision taken by the S.R.C. was based on the Threat Perception Report of S.D.P.O., Nellore, which indicates no application of mind and objective assessment of the facts and circumstances of the case. No material was examined by the State Review Committee. As per G.O.Rt.No.655, review of security by State Review Committee shall be based on the Threat Perception Report. Therefore, Threat Perception Report assumes significance in such cases. The only parameter in the Threat Perception Report is that the petitioner is not holding any official post. No

consideration as to whether the petitioner is actually facing any threat as citizen. The petitioner is seeking continuance of security cover not by virtue of his capacity as Additional Advocate General. Threats issued by the people narrated in the affidavit, but the Threat Perception Report, considered the only fact that the petitioner is not holding any post. Therefore, the State Review Committee decision that the petitioner is not facing any threat is manifestly arbitrary and suffers from non-application of mind.

18. An additional affidavit also came to be filed by the petitioner on 13.08.2024, contending that as per counter affidavit of the 4th respondent, a decision was taken by the State Review Committee on 16.07.2024 that no security to the petitioner is recommended. Copy of the decision was never provided to the petitioner. The Court on 01.08.2024 directed the concerned authority to communicate the decision of State Review Committee to the petitioner, but instead of communicating copy of decision of State Review Committee, a letter bearing C.No.548/SB-XI-NLR/2024, dated 03.08.2024, was issued to the petitioner on 03.08.2024, which merely state the decision was taken by the State Review Committee on 16.07.2024. No copy of decision of State Review Committee was annexed to the letter. In the light of said

circumstances, the petitioner filed I.A.5/2024 seeking to amend the prayer of writ petition to set aside the said letter and issue direction to the respondents to continue the security. The Court allowed the said application. Accordingly, the prayer of the Writ Petition was amended including the relief of set aside the letter C.No.548/SB-XI-NLR/2024, dated 03.08.2024 as under:

“Pleased to permit the petitioner to amend the main prayer as follows: Main prayer. It is therefore, prayed that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction, more particularly, one in the nature of writ of mandamus declaring the action of the respondents in seeking to withdraw the security in the form of 2 + 2 provided to the petitioner without any prior notice or any objective exercise, as arbitrary and illegal offending Articles 14, 19 and 21 of the Constitution of India and set aside the letter C.No.548/SB-XI-NLR/2024, dated 03.08.2024, and issue a direction to the respondents to continue to provide the security personnel in the form of 2 + 2 and pass such other order or orders that may deem fit and proper in the circumstances of the case”.

19. Sri D.Prakash Reddy, learned Senior Counsel for the Writ Petitioner reiterated the stands taken in the affidavits stated above filed in support of the petitioner. He would submit that the order of State Review Committee withdrawing security is not in accordance with the

guidelines laid down by the Hon'ble Division Bench in the case of **G.Şubas Reddy Vs. Government of Andhra Pradesh and others.**

20. He would further submit that the counter affidavit filed by the 4th respondent would disclose that the security was withdrawn by the State Review Committee basing on the report of Sub Divisional Police Officer, Nellore, because, the petitioner is not holding the post of Additional Advocate General. The threat perception was not considered with reference to the threat extended to the petitioner from various political circles, since the petitioner handled many sensitive cases involving the several political leaders including opposition leaders and present Chief Minister.

21. He would further submit that the petitioner was targeted as disclosed in the media statements regarding "Red Book" reported in the media. He would further submit that the Court may consider the State Review Committee Report submitted to the Court, in the light of observations made by this Court in the case of **Bumireddy Ram Gopal Reddy Vs. State of Andhra Pradesh, rep. by its Secretary, Home Department and Another.** This Court in the said judgment observed that *"the report shall contain the information at least insinuatingly, as to*

what are the possible angles and corners from which there occurs a potential threat perception and whether such vulnerable sections have been meticulously scanned and a conclusion is drawn". He would further submit that the State Review Committee Report if not based on objective assessment, it cannot be a ground to withdraw the security provided to the petitioner.

22. Per contra, learned Advocate General would submit that this Court in the case of **G.Subas Reddy Vs. Government of Andhra Pradesh and others** laid down guidelines for providing security to the citizens and other functionaries. The Government in pursuance of the said directions issued guidelines for providing personal security to private persons vide G.O.Rt.No.655 dated 13.03.1997. In the guidelines, it is enumerated that a private person may be provided individual security only if there is a threat. The petitioner is no longer holding the post of Additional Advocate General. He comes under the category of a private person. A private person is entitled to security based on threat perception when he was targeted by extremists or anti social elements etc. At the first instance, the person facing threat shall approach the Unit Officer (Superintendent of Police) concerned for security, and if the application is rejected there, he shall prefer the application before Higher

Functionaries of Police for review. If the application is rejected there also, then the person can apply to the State Government represented by the Principal Secretary to Government, Home Department for protection. The authorities have to reconsider the threat perception as per the procedure enumerated in the guidelines. The State Level Review Committee would consider the applications in accordance with these guidelines.

23. In the case on hand, the petitioner was provided with security 2 + 2 on 16.02.2021, while he was working as Additional Advocate General, as per copy of duty passport filed by the petitioner. The list of cases referred by the petitioner in his affidavit would show that except few cases, most of the cases were entrusted to the petitioner subsequent to providing security to the petitioner as per above passport. Therefore, the contention of the petitioner that security was provided to him due to threat extended at that time on account of these cases is not correct. It was provided as he was holding the post of Additional Advocate General.

24. The learned Advocate General would further submit that as per guidelines enumerated by this Court in the case of **G.Subas Reddy Vs.**

Government of Andhra Pradesh and others show that security provided to all constitutional functionaries and certain State functionaries to enable them to discharge their duties fearlessly. Therefore, the petitioner was provided with 2 + 2 security at the relevant point in time in the capacity of Additional Advocate General. No material is placed by the petitioner to show that the security provided to him on 16.02.2021 is on the ground that he was having threat perception at that time.. Therefore, after expiry of his term, the petition seeking continuity of the such security is not maintainable in law.

25. The learned Advocate General would further submit that If the petitioner feels that he is having a threat perception as claimed in the affidavit, he ought to have filed an application before the Unit Officer for providing personal security to him, as laid down by this Court in the case of **Katasani Rami Reddy Vs. Government of Andhra Pradesh and others**, in addition to the guidelines laid down by the Hon'ble Division Bench in the case of **G.Subas Reddy Vs. Government of Andhra Pradesh and others**. The petitioner did not file any such application.

26. The learned Advocate General would further submit that the State Review Committee in its report dated 16.07.2024, (a copy was submitted

to the Court in sealed cover) considered if the portioner has any threat and came to an opinion that the petitioner has no threat perception. Accordingly, passed the orders. He would further submit that in the light of several judgments of this Court, wherein it was held that "*Court cannot substitute its own duty and declare the policy of the Government is illegal or unconstitutional. The Court cannot sit over appeal against the decision taken by the State Level Security Review Committee and compel them to provide necessary security cover to the petitioner, when the committee based on the Threat Perception Report assessed the threat perception and took a decision*".

27. Learned Advocate General would further submit that the petitioner made several allegations in his affidavits about Red Book reported in media statements, they are imaginary and not based on any tangible material. Media reports cannot be taken into consideration as evidence. Those statements published in the media do not show that physical harm will be caused to the petitioner by any person. Such statements cannot be taken into consideration for providing security to the petitioner, merely because he appeared in cases referred to by him, as Additional Advocate General. Law Officers appearing for the State or Central Government in Courts would require to appear in such type of cases as

apart of discharging duty. They cannot ask for continuity of security provided earlier, after the expiry of their term, unless there is specific material showing existence of threat. In the case on hand, the State Review Committed considered the threat perception to the petitioner basing on TPR, and came to an opinion that the petitioner has no threat perception. In those circumstances, the petitioner is not entitled to any relief.

28. In the light of rival contentions and on perusing the material available on record, the point that arises for consideration in this Writ Petition is as under:

“Whether the petitioner is entitled to the relief of Writ of Mandamus as prayed for”?

29. **POINT:**

This Court in the case of **G.Subas Reddy Vs. State of Andhra Pradesh and others** laid down the guidelines for providing personal security guards to persons facing threats. Thereafter, in pursuance of the said guidelines, Government of Andhra Pradesh issued G.O.Rt.No.655 HOME (SC.B) Department, dated 13.03.1997, framing the guidelines. The said guidelines enumerate *“the persons who are*

automatically entitled security such as constitutional functionaries". The guidelines further stated that "all other persons including statutory functionaries and visiting dignitaries can be provided security depending upon threat perception. The said threat perception has to be decided by the State Review Committee at the unit level and at the State level".

30. This Court in various judgments including **Katasani Rami Reddy Vs. Government of Andhra Pradesh and others, A.V.Subba Reddy Vs. State of Andhra Pradesh⁴** and **C. Adinarayana Reddy Vs. The State of Andhra Pradesh** judgment dated 11.08.2020 in W.A.217/2020, judgment dated 28.04.2020 in W.P.14445/2019, judgment dated 21.11.2019 in W.P.16540/2019, judgment dated 30.09.2019 in W.A.308/2019 and judgment dated 30.07.2019 in W.P.7871/2019 had taken the view that the issue of determination of threat perception is best left to a specialized agency such as the Security Review Committee and it would not be appropriate for this Court to substitute the decision of the Special Security Review Committee with the judgment of this Court.

31. This Court in the case of **Katasani Rami Reddy Vs. Government of Andhra Pradesh and others** taking note of the principles laid down

⁴ 2021 (2) ALD 643

by the Division Bench in the case of **G.Subas Reddy Vs. Government of Andhra Pradesh and others**, held that *“threat to one’s life may be temporary and in such a case continuous security may not be needed. Therefore, whenever personal security is provided to a person, it must be constantly reviewed by the concerned Superintendent of Police and when on the basis of information available with him, he genuinely feels that the threat has vanished, he may recall the security”*. Thus, in view of the principles laid down in the above judgment, threat perception changes from time to time.

32. In the case of **Katasani Rami Reddy Vs. Government of Andhra Pradesh and others**, the learned Single Judge taking note of the principles laid down by the Division Bench in the case of **G.Subas Reddy Vs. Government of Andhra Pradesh and others** referred supra held as under:

“While following the principles laid down by the Division Bench, I will add further that, the questions whether security is to be provided to the individual or not by the State is dependent upon the threat perception with regard to that individual, and that is the amount of threat and whether the threat is real or imaginary, and in case there is threat, what is the degree of the threat to an individual’s life, cannot be considered either by this Court or by

any other agency other than the police force itself. Police is the competent authority and it is equipped with facilities like intelligence services to come to a conclusion about threat perception of an individual. Therefore, whenever an application is made before a District Superintendent of Police by an individual for providing personal security to him, while disposing of such an application the District Superintendent of Police should invariably record his finding with regard to the threat perception. Once such a finding is recorded, it will be open for such an individual to agitate the matter further, if the concerned Superintendent of Police does not come to correct finding with regard to threat perception”.

“This will also enable the District Superintendent of Police to decide as to how much personal security is needed by an individual. Otherwise, unless he knows the level of the threat, he cannot be able to decide the matter. It is also well known that, sometimes threat to one’s life can remain lifelong depending upon the circumstances and the incidents, which are relatable with respect to such an individual, but sometimes threat to one’s life may be temporary and in such a case continuous security may not be needed. Therefore, whenever personal security is provided to a person, it must be constantly reviewed by the concerned Superintendent of Police and when on the basis of information available with him, he genuinely feels that the threat has vanished, he may recall the security”.

33. The admitted facts basing on the pleadings are that the petitioner was appointed as Additional Advocate General for the State of Andhra Pradesh, vide G.O.Rt.No.146, Law (G) Dept., dated 06.06.2019. Accordingly, the petitioner worked as Additional Advocate General till 06.06.2024. He resigned for the post of Additional Advocate General on 06.06.2024. At present the petitioner is not holding any constitutional or executive post/statutory post or post. The petitioner was provided with 2 + 2 security from 16.02.2021 onwards, as per copy of Duty Passport annexed to the Writ Petition.

34. The first contention of the petitioner is that several sensitive cases were allocated to him, including the cases filed against the then opposition leaders and the present Chief Minister. Therefore, he became target to many people. Hence, evaluating threat to his life, the State accorded 2 + 2 security. The petitioner in his affidavit furnished list of cases attended by him as Additional Advocate General, contending that those cases involve the then opposition party leaders and present Chief Minister of Andhra Pradesh State.

35. The learned Advocate General in his arguments pointed out that the security provided to the petitioner was from 16.02.2021 onwards,

whereas majority cases mentioned in the list allocated to him subsequently. It would show that the security was not provided to him on the ground that he was having threat to life. The security was provided to him to perform his duties as Additional Advocate General fearlessly. Therefore, the petitioner cannot ask for continuity of such security without establishing that presently he is having threat to life.

36. The contention of the petitioner is that the security provided to him earlier was due to threat to life, and not as post specific. Undisputedly, as per annexure filed by the petitioner, it was from 16.02.2021 onwards. Whereas the list of cases furnished in the affidavit would show that out 85 cases appeared by him as Additional Advocate General, only 10 to 12 cases relates to the year 2020 or 2021. The rest of the cases relate to the years 2022 and 2023. Hence, the contention of the petitioner that he was provided with security 2 + 2 on evaluation of threat to his life, as he was appearing in those 85 cases, on facts is not tenable. On the other hand, it can safely be presumed that security was provided to him, to discharge duties fearlessly as Additional Advocate General. Any Law Officer of that category would represent the State daily in important as well sensitive cases, may be against political leaders, terrorists/extremists or Naxalites etc. Therefore, such security will be

continued, till he holds the post of Additional Advocate General. If the petitioner feels that he has a threat to life from any quarters like political leaders, extremist, terrorists or Naxalites etc., even after resignation to the post of Additional Advocate General, and if there is any need to continue such security, he shall follow the procedure laid in G.O.Rt.No.655 HOME (SC.B) Department, dated 13.03.1997, issued by the Government of Andhra Pradesh! In view of the judgment of this Court in the case of **G.Subas Reddy Vs. Government of Andhra Pradesh and others**, any application, directly made to this Court shall not be entertainable as no cause for a Mandamus by the Court shall be deemed to have been arisen if the applicant made no efforts to approach the competent authority for such security.

37. This Court in the case of **Katasani Rami Reddy Vs. Government of Andhra Pradesh and others**, following the principles laid in above case, added that *"the questions whether security is to be provided to the individual or not by the State is dependent upon the threat perception with regard to that individual, and what is the amount of threat and whether the threat is real or imaginary, and in case there is threat, what is the degree of the threat to an individual's life, cannot be considered either by this Court or by any other agency other than the police force*

itself. Police is the competent authority and it is equipped with facilities like intelligence services to come to a conclusion about threat perception of an individual. Therefore, whenever an application is made before a District Superintendent of Police by an individual for providing personal security to him, while disposing of such an application, the District Superintendent of Police should invariably record his finding with regard to the threat perception. Once such a finding is recorded, it will be open for such an individual to agitate the matter further. Whenever personal security is provided to a person, it must be constantly reviewed by the concerned Superintendent of Police and when on the basis of information available with him, he genuinely feels that the threat has vanished, he may recall the security".

38. In the case on hand, the petitioner after his resignation on 06.06.2024, did not make any application before the District Superintendent of Police to continue security on the ground of threat perception in the light of media statements. The petitioner directly approached this Court, contending that he is under apprehension that the proposed periodic review is only an empty formality and therefore, sought the relief of Writ of Mandamus, seeking continuity of such security provided to him earlier, when he was holding the post of

Additional Advocate General. Therefore, the petitioner without any efforts to approach concerned authorities as per above GO, cannot approach this Court directly, prejudging the issue that opinion of the review committee headed by several senior IPS officers would be an empty formality. I am afraid if such petitions are allowed, every person will directly approach this Court, without any efforts to approach the competent authority for security.

39. Admittedly subsequent to filing of Writ Petition, the State Level Review Committee i.e., Security Review Committee (S.R.C.) on 16.07.2024 reviewed the threat perception of the petitioner and came to an opinion that there is no specific threat to his life from any individual or any group. Therefore, there is no need to provide security. Copy of the report was placed before this Court in a sealed cover. This Court on 01.08.2024 instructed the Government Pleader to inform the concerned authority to communicate the decision of Security Review Committee to the petitioner. Accordingly, the petitioner was communicated such decision vide letter dated 03.08.2024 of the Superintendent of Police, SPSR Nellore District intimating that the Security Review Committee in its meeting held on 16.07.2024 decided to withdraw the security in the

absence of any specific threat from any individual or group, and as per guidelines issued by the Government in this regard.

40. As stated above, later, the petitioner filed application for amendment of prayer in the Writ Petition, to quash the said communication, contending that he was not served with copy of order of the Security Review Committee, and he was only communicated with decision.

41. This Court in W.P.7871/2019 vide order dated 13.07.2019, in para 16 held that *"the contention of the petitioner that copy of Security Review Report is not furnished to him, cannot be countenanced, because this Court in its order dated 15.07.2019 in W.P.7822/2019 held that the particulars in the said report is a privileged information under Section 125 of Evidence Act and therefore, petitioner cannot have a look into it"*.

42. Therefore, this Court in the above judgment held that the particulars in the report of Security Review Committee is a privileged information U/s.125 of Indian Evidence Act and therefore, the petitioner cannot have a look into it. In that view of the matter, communication of decision of the Security Review Committee to withdraw the security to the petitioner in the absence of any specific threat from any individual or

group, without furnishing actual contents of the report, amounts to valid communication.

43. This Court in several judgments referred above, held that the Writ Court does not have a necessary expertise or the knowledge to assess the 'threat' to a person. Threat perception is not a static concept. It is dynamic and ever changing. There is a self-imposed restriction on this Court in entering into the disputed areas of fact.

44. In the present case, the petitioner did not submit any application to the Superintendent of Police, SPSR Nellore District, or any other District to continue the security to him, on the ground that threat existed for him in view of statements published in media relating to 'Red Book' stating that the name of the petitioner was included in the said 'Red Book'. The media reports annexed by the petitioner are unverified. They are not substantiated by other cogent material, to take them into consideration as evidence. No material is available to show prima facie, any attempt/s were made to cause physical harm to the petitioner, in pursuance of the alleged statements published in the media.

45. The burden castes upon the petitioner to show that the decision making process of Security Review Committee is vitiated or that the decision is based upon an incorrect appreciation of facts.

46. The learned Senior Counsel Sri D.Prakash Reddy, in the arguments submitted that this Court in the case of **Bhoomireddy Rama Gopal Reddy Vs. State of Andhra Pradesh**, observed that *“the report shall contain the information at least as to what are the possible angles and corners from which there occurs a potential threat perception and whether such vulnerable sections have been meticulously scanned and a conclusion is drawn”*.

47. The report of Security Review Committee placed before this Court would show that the threat perception was considered on the grounds 1) Whether the petitioner is having threat from any individual or a group on activities of individual or groups? 2) Whether the individual or group is likely to endanger the life of the petitioner? 3) Whether there is any threat to physical assault? etc.,. answered them in negative and then came to an opinion that there is no specific threat to the life of the petitioner. Therefore, it cannot be contended that it was based only on

the Threat Perception Report (TPR) submitted by the Sub Divisional Police Officer, Nellore that the petitioner is not holding any post now.

48. This Court in the case of **G.Subas Reddy Vs. Government of Andhra Pradesh and others** held that *“a person can approach this Court seeking judicial review of the order of the Court with all constraints self imposed and with the bounds of rules of judicial review may examine individual cases strictly in accordance with law. Any application, however, except for judicial review in the aforesaid circumstances directly made to this Court shall not be entertainable as no cause for a Mandamus by the Court shall be deemed to have been arisen if the applicant made no efforts to approach the competent authority for such security”*.

49. Therefore, when the material relied upon by the petitioner does not show that the decision making process is vitiated or that the order is passed for extraneous reasons, the petitioner not entitled to any relief as prayed for. No doubt that the petitioner was granted security all these years. But that by itself does not mean that it should continue for ever, more particularly, in the light of opinion of Security Review Committee that there was no threat perception to the petitioner.

50. In the light of foregoing discussion, the petitioner is not entitled to, any relief as prayed for in the Writ Petition. Accordingly, the point is answered.

51. In the result, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, interlocutory applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- M. RAMESH BABU
DEPUTY REGISTRAR

SECTION OFFICER

**One Fair Copy to the HON'BLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI
(For His Lordship's kind perusal)**

To,

1. One CC to Sri M. Bala Krishna, Advocate [OPUC] —
2. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT] —
3. 9 L.R. Copies.
4. The Under Secretary Union of India, Ministry of Law, Justice & Company Affairs, New Delhi.
5. The Secretary, A.P. High Court Advocates Association, High Court of A.P. at Amaravati, Guntur District.
6. Three C.D. Copies. —

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HIGH COURT

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DATED:14/10/2024

ORDER

WP.No.12881 of 2024



DISMISSING THE W.P.
WITHOUT COSTS