

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 2716/2022

Yang Burz Home ...Appellant/Petitioner(s)

Through: Petitioner in person

Vs.

UT of J&K and Ors. ...Respondent(s)

Through: Ms. Asifa Padroo, AAG

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

16.12.2022

1. Petitioner through the medium of this petition seeks a direction to the respondents 1 and 2 to provide adequate protection to his life and property and his brother Manzoor Ali Handoo, on the grounds that in view of rumors about the petitioner being BJP agents spread by some miscreants, there is every likelihood that the petitioner might be harmed. Having returned after three decades, the petitioner and his brother cannot recognize the faces of young neighbors. In that case the crime doer will go unpunished as the petitioner cannot lodge an FIR properly against the miscreants. It is a great vulnerability of the petitioner and the matter of life and death. It is worth mentioning that the neighborhood was once the hub of terrorist and some of the ex-terrorists might be still active in the area.
2. Ms. Asifa Padroo, learned Sr. AAG, has produced copy of order No. SHQ/Legal/OWP-35/2022/24025-32 dated 13.12.2022 passed by ADGP Security J&K, Jammu, which reads as under:

“Whereas, Shri Mohd Ashfaq Hussain Handoo @ Yand Burz Home
S/o Late Gh Mohi-ud-Din Handoo R/o Tanki Mohamma, Jamia

Masjid Srinagar (herein after referred to as petitioner) had filed writ petition (Crl) No. 244 of 2022 titled Yang Burz Home and Anr. v. Hon'ble Supreme Court of India seeking directions upon the respondents to provide police protection to petitioner and his brother on their way from Delhi/Jammu to Srinagar and during the period of their staying at Srinagar as per the situation and circumstances in Kashmir Valley. The Hon'ble Supreme Court while disposing of the writ petition vide its order dated 09.09.2022 has directed as under:

.....Ms. Taruna Ardhendumauli Prasad, learned counsel appearing for the respondent-state, has fairly accepted that as and when any apprehension arises, the state will certainly extend police protection to the petitioners.

We record the statement so made by Ms. Prasad, learned counsel for the respondent-state.

In view of such statement, nothing further need be done in the matter at present. The writ petition is disposed of accordingly”.

Whereas, the petitioner also approached this Headquarters through a representation for provision of security cover.

Whereas, the petitioner has also approached before the Hon'ble High Court of J&K at Srinagar, through a writ petition WP(C) No. 2716/2022 titled Yang Burz Home V/s UT of JK and others seeking direction upon the respondents to provide adequate protection to the petitioner and his brother.

Whereas, the security cover is provided to an individual on the basis of threat assessment reports as per the guidelines of Ministry of Home Affairs, Govt. of India as laid down in Yellow Book. The threat perception report is got assessed by CID Wing of J&K through field agencies and the individuals facing threat are categorized by the Security Review Coordination Committee. The said Committee meets periodically to review/decide about the categorization of an individual who faces specific threat and the quantum of security is accordingly provided as per the category entitlement.

Whereas, the case of the individual (petitioner) was accordingly forwarded to CID J&K vide this Hqrs. Letter dated 27.09.2022 for assessment of threat perception.

Whereas, threat perception in respect of the petitioner so received from CID vide letter No. CID/AV/TP/3050/2022/Media/12898 dated 02.12.2022 reveals that:

“.....The threat quotient has been assessed to be 03 out of 10 which is low.”

Whereas, Threat Assessment Report (TAR) dated 02.12.2022 as received from CID, reveals low threat quotient to the petitioner and does not reveal any specific threat faced by the petitioner, as such, the petitioner is not entitled for security cover/categorization in view of low threat quotient.

Whereas, presently the petitioner has no category/PSO, however, TAR of the petitioner has been shared with SSP District Srinagar vide SHQ letter No. SHQ/SS/1604-Ors/2022/2312-13 dated 08.12.2022 for taking care of security concerns of the petitioner from district resources.

In view of above, Shri Mohd Ashfaq Hussain Handoo @ Yang Burz Home S/o Late Gh. Mohi-ud-Din Handoo R/o Tanki Mohalla Jamia Masjid Srinagar is not entitled for any security cover/categorization in absence of any specific threat.

However, TAR in respect of petitioner namely Shri Manoor Ahmad Handoo @ Adam Kunzun is awaited and shall be examined after receiving the same from concerned agency.

Let the petitioner be informed accordingly”.

3. Perusal of aforesaid order reveals that the respondents have considered the case of the petitioner and found that there is low threat quotient to the petitioner and that petitioner has not faced any specific threat, as such, the petitioner is not entitled for security cover/categorization in view of low threat quotient.
4. In the above backdrop, no direction can be issued to the respondents to provide security cover to the petitioner. There is no merit in the petition of the petitioner and the same is, accordingly, **dismissed**. However, in the event, petitioner is aggrieved of the consideration order passed by the respondents, he is at liberty to challenge the same.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR

16.12.2022

Manzoor