

**Surendra Kumar Vs. State of U.P. and ors.**

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**Court :** Allahabad

**Decided On :** Aug-04-2003

**Reported in :** 2003(4)AWC3285

**Judge :** M. Katju and ;R.S. Tripathi, JJ.

**Acts :** [Constitution of India](#) - Articles 21 and 226

**Appeal No. :** C.M.W.P. No. 33347 of 2003

**Appellant :** Surendra Kumar

**Respondent :** State of U.P. and ors.

**Advocate for Def. :** S.C.

**Advocate for Pet/Ap. :** A.K. Upadhayay and ;R.S. Srivastava, Advs.

**Judgement :**

ORDER

**M. Katju, J.**

1. This petition discloses an alarming state of affairs prevailing in the State of Uttar Pradesh. It appears that all kinds of ruffians, gundas, hooligans and other anti-social elements are at large in our society and are harassing and terrorizing the law abiding citizens. If this trend is not stamped out with an iron hand, the situation

will get out of control and there will be total lawlessness and jangle raj in the State.

2. The petitioner has alleged that he is a tenant of a shop in Agra City under Police Station Aitmadaula, Agra for which he pays Rs. 2,000 per month to the landlord on the basis of registered rent deed vide Annexure-1 to the writ petition. The petitioner carries on the business of jute bags in the aforesaid premises and also resides there.

3. It is alleged in paragraph 6 of the petition that on 2.7.2003 when the petitioner was carrying on his business in the said premises, the respondent Nos. 7 to 18 came to his shop with the common object of realising gunda tax and demanded a sum of Rs. 1,000 and in case of nonpayment of the same, threatened to evict him and also make him suffer dire consequences. Since the petitioner did not pay the aforesaid gunda tax as demanded by the respondent Nos. 7 to 18, they threatened to evict the petitioner forcibly from the premises and hence, the petitioner on 2.7.2003 went to lodge an F.I.R. but the respondent No. 5, the Station House Officer, Police Station Aitmadaula, Agra refused to lodge the F.I.R. and hence, the petitioner gave a written complaint dated 3.7.2003 to the S.S.P., Agra vide Annexure-4. It is alleged in paragraph 9 of the writ petition that since the petitioner did not pay the gunda tax as demanded by the respondent Nos. 7 to 18, they again on 16.7.2003 forcibly entered into his rented premises and demanded gundas tax from the petitioner again. The petitioner then sent a complaint by means of Speed Post to the Chief Minister, U.P. at Lucknow vide Annexure-5 to the writ petition. Despite these representations and complaints to the Chief Minister, District Magistrate, S.S.P. Agra, etc., no action was taken against the respondent Nos. 7 to 18. The respondent Nos. 7 to 18 again came on 28.7,2003 to the premises of the petitioner and demanded Rs. 3 lakhs as gunda tax and threatened to kill him and his family members if he did not pay the same. These respondents were armed with pistols, katta, knife, lathi and danda, etc. and they forcibly snatched a golden chain of two tolas and one golden ring by pointing pistols on the chest of the petitioner and also snatched a sum of Rs. 3,200 kept in the pocket of his shirt and also abused him. They said they realise gunda tax from all the persons running industries and that the police cannot do anything against them as the police station is in their pocket and they also send the weekly gunda

tax to the police and as such, no proceedings, will be initiated against them by the police. The petitioner again sent a written complaint to the Chief Minister of Uttar Pradesh, Chief Secretary, U.P., Inspector General (Police) Kanpur Region, Kanpur, Deputy Inspector General (Police), Agra Region, Agra, the S.S.P., Agra, S.P., Agra the City Magistrate, Agra, etc. but to no avail and no action has been taken against the respondent Nos. 7 to 18 and the lives of the petitioner and his family members are in danger. It is alleged that respondent No. 5 the Station House Officer of Police Station Aitmadaula, Agra is in collusion with the respondent Nos. 7 to 18.

4. If the aforesaid allegations are correct, it shows that an alarming state of affairs is prevailing in the State of Uttar Pradesh which cannot be tolerated any longer by this Court. It is the duty of this Court under Article 226 of the Constitution to uphold the law. If the allegations in the petition are correct, it shows that the district authorities in Agra are either deliberately or due to inability failing to uphold the law in district Agra, and are not protecting the citizens.

5. No such tax is known to the law as gunda tax. We have heard of income tax, sales tax, house tax, etc. but this is a totally new and illegal phenomenon which has appeared in society, and unless this gunda tax disappears, we will hold the Government authorities to task for such illegal demands. Such gunda tax reminds one of the 'protection money' demanded by the Mafia in America.

6. List this petition on 11th August, 2003 before us on which date we have already directed the Principal Home Secretary and the Director General of Police, U.P. to appear before us in another case and they must explain to us as to why law is not being enforced and gunda tax is demanded all over the Uttar Pradesh from the peaceful and law abiding citizens (especially businessmen) and why no action is taken against the criminals, hooligans, and other antisocial elements in the State who by their anti-social activities are not allowing law abiding citizens in the State to live peacefully.

7. Learned standing counsel will send a copy of this order to the Principal Home Secretary, Uttar Pradesh and Director General of Police, U.P. forthwith. If the allegations made in the petition are correct, criminal proceedings will be initiated

against the respondent Nos. 7 to 18 and disciplinary action must be taken against the respondent No. 6, the Station House Officer, Aitmadaula, Agra. Full security and protection must be provided to the petitioner till further orders.

Let a copy of this order be issued to learned standing counsel free of charge today.

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