

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.08.2015

DELIVERED ON : 24.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.25670 of 2015

and

M.P.No.1 of 2015

Deivanai

...Petitioner

Vs

1.The Collector
Tiruppur District
Tiruppur.

2.The Commissioner of Police
Tiruppur.

3.The Inspector of Police
Tiruppur North Police Station
Tiruppur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from detaining the husband of the petitioner viz., E.Kandasamy and his brother E.Kannappan under the Tamil Nadu Act 14 of 1982 as goonda without due process of law.

For Petitioner : Mr.S.Doraisamy

For respondents : Mr.C.Emalias, Addl.Public Prosecutor

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O R D E R

This petition has been filed praying for a writ of mandamus forbearing the respondents from detaining the husband of the petitioner viz., E.Kandasamy and his brother E.Kannappan under the Tamil Nadu Act 14 of 1982 as goonda without due process of law.

2. In the considered opinion of this Court, the prayer for an injunction restraining the authorities from passing Detention Order under Act 14 of 1982 cannot be passed, in view of Section 41 of the Specific Relief Act. No such mandamus can be issued by this Court in exercise of the powers under Article 226 of the Constitution of India in anticipation that the authorities may clamp Detention Orders against the husband of the petitioner.

3. The learned counsel for the petitioner submitted that, a pre- detention representation has been given to the authorities and that the authorities may be directed to consider the representation before Detention Order is passed. This prayer also cannot be granted because, this Court cannot proceed under the pre-supposition that the authorities are likely to pass Detention Order and direct the authorities to consider the representation given by the petitioner. Hence, this petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Collector
Tiruppur District
Tiruppur.

2.The Commissioner of Police
Tiruppur.

3.The Inspector of Police
Tiruppur North Police Station
Tiruppur District.

4.The Public Prosecutor
High Court, Madras.

2 CCs to Mr.S.Doraisamy, Advocate SR.No. 44275, 44953

W.P.No.25670 of 2015

PPA (CO)
PSI (11.09.2015)