



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.22103 of 2015

and

M.P (MD) No.1 of 2015

T.Sunitha

... Petitioner

Vs.

1. The secretary to Government,
Home Department,
St. Fort George, Secretariat,
Chennai - 9.
2. The District Collector,
Kanyakumari District,
Kanyakumari.
3. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
4. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
5. The Inspector of Police,
South Tamaraikulam Police Station,
Kanyakumari District.
6. Mr.Samson,
Inspector of Police,
Special Team,
O.o.Superintendent of Police,
Kanyakumari District,
Nagercoil.
7. Mr.Suresh,
Special Sub-Inspector of Police,
S.B.C.I.D. Special Team,
O/o.Superintendent of Police,
Kanyakumari District, Nagercoil.



8. Vijayan,
Sub-Inspector of Police,
S.B.C.I.D. Special Team,
O/o. Superintendent of Police,
Kanyakumari District,
Nagercoil.

9. Mohankumar,
Head Constable,
S.B.C.I.D. Special Team,
O/o. Superintendant of Police,
Kanyakumari District,
Nagercoil.

10. Natarajan,
Head Constable,
S.B.C.I.D. Special Team,
O/o. Superintendent of Police,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the second respondent from invoking Tamil Nadu Preventive Detention Act, 1982 against the petitioner's husband on the recommendation made by the fifth respondent.

For Petitioner : Mr.N.Anandakumar for
M/s.K.Seemaraj
For R-1 to R-5 : Mr.D.Muruganantham,
Additional Government Pleader

ORDER

The petitioner is seeking for a Mandamus forbearing the second respondent from invoking Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum-grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), against the petitioner's husband on the recommendation made by the fifth respondent.

2. In effect, the petitioner is seeking a relief against the official respondents preventing them from discharging their official duty. I do not think that the said prayer can be maintained and entertained by invoking the jurisdiction of this Court under Article 226 of the Constitution of India as it is for the purpose of preventing the respondents to challenge the order of detention if any passed by the second respondent in future, as apprehended by the petitioner, in the manner known to law. Therefore, there is no



question of issuing a preventive order as sought for in this Writ Petition.

3. Accordingly, I find that the Writ Petition is not maintainable and consequently, the same is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The secretary to Government,
Home Department,
St. Fort George, Secretariat,
Chennai - 9.
2. The District Collector,
Kanyakumari District,
Kanyakumari.
3. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
4. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
5. The Inspector of Police,
South Thamaraiikulam Police Station,
Kanyakumari District.

+ 1 CC TO MR.K.SEEMARAJ, ADVOCATE IN SR NO. 70634
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 71046

PM

TE/AMF/ : 22/12/2015 : 3P/8C

W.P. (MD) No.22103 of 2015
and

MP (MD) No.1 of 2015
10.12.2015