



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.10131 of 2016

K.Ponmani

... Petitioner

-vs-

1.The Secretary to Government,
Home Department,
St.Fort George,
Secretariat, Chennai-9.

2.The Commissioner of Police,
Tirunelveli,
Tirunelveli District.

3.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the second respondent from invoking Section 3 of Tamil Nadu Act 14 of 1982 against my husband namely Kannan @ Manalkannan on the recommendation made by the third respondent.

For Petitioner : Ms.S.T.Kanimozhi
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

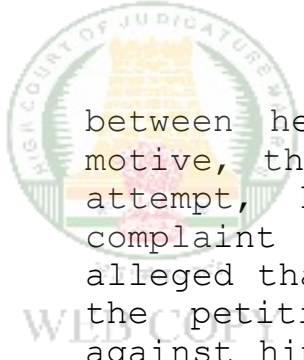
It is a petition filed by the petitioner, seeking direction to the second respondent from invoking Section 3 of Tamil Nadu Act 14 of 1982, based on the recommendation made by the third respondent against her husband, namely, Kannan @ Manalkannan.

2. Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the Respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The case of the petitioner is that there was a land dispute



between her husband and one Murugesan and on account of that motive, there had been a plan to murder her husband and in that attempt, her husband escaped with grievous injury, but the complaint given by her husband was not registered. It is further alleged that the respondents did not give any medical treatment to the petitioner's husband and after registering several cases against him, he was detained under Goondas Act. It is pointed out that the petitioner's husband was relieved of the detention under Goondas Act. The petitioner has submitted a representation dated 03.06.2016 to the respondents to prevent her husband from detaining under Goondas Act. As it was not considered, the petitioner has filed this writ petition.

5. The apprehension of the petitioner may be true or may not be true. The allegations levelled against the respondents are very vague. Moreover, it is prerogative of the Police to register a case, if any complaint is given against her husband.

6. At the pre-detention stage, the Court is not expected to interfere, except in exceptional circumstances, as reported in in case of **Union of India vs. Muneesh Suneja, AIR 2001 SC 854**, and it has been held as follows:

6.1. The Courts should not interfere at the pre-detention stage except in the following exceptional circumstances, such as

i) that the impugned order is not passed under the act under which it is purported to have been passed;

ii) that it is sought to be executed against a wrong person;

iii) that is passed for a wrong purpose;

iv) that is passed on vague, extraneous and irrelevant grounds or,

v) that the authority which passed it had no authority to do so.

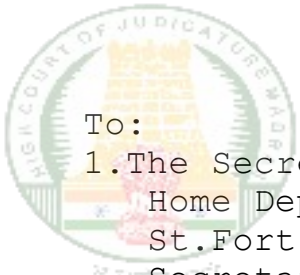
7. If at all any proceedings are initiated by the respondents under the provisions of Tamil Nadu Act 14 of 1982 against the petitioner, this Court expresses the hope that the decision cited supra shall be taken note of by the respondents.

8. Therefore, the writ petition is devoid of merits and the same is dismissed as not maintainable, but with observations. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To:

1.The Secretary to Government,
Home Department,
St.Fort George,
Secretariat, Chennai-9.

2.The Commissioner of Police,
Tirunelveli,
Tirunelveli District.

3.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

+1 cc to The Special Government Pleader in SR.No. 28907

+1 cc to M/s.S.T.Kanimozhi, Advocate in SR.No.28941

ssl/ar

CSL/DB/21.07.2016 : 3p/6c

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