



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.10246 of 2016

Selvan Dhas

... Petitioner

-vs-

1. The District Collector,
Kanyakumari District, Nagercoil
2. The Superintendent of Police,
Kanyakumari District, Nagercoil.
3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to forbear the respondents from putting the petitioner as Goonda upon foisting false cases by consider the petitioner's representation dated 04.06.2016.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader.

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from branding the petitioner as Goonda upon foisting false cases and especially in the light of the petitioner's representation dated 04.06.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. Learned counsel for the petitioner has submitted that the respondents are attempting to invoke the provisions of Tamil Nadu Act 14 of 1982 against the petitioner herein and that in order to avoid being involved in false cases, the petitioner has been to



Kerala for the last one year and continues to be in Kerala for most of the time, still there is an attempt to implicate the petitioner in some case or the other. It is pointed out that the Habeas Corpus petition, challenging the detention order against the petitioner has been allowed by this Court.

4. May be it is true that the detention order might have been quashed by this Court, but the basis of the same is not known and the order copy is not produced. 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 the petitioner.

5. 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:

5.1. 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.

6. 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.

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

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Kanyakumari District, Nagercoil
2. The Superintendent of Police,
Kanyakumari District, Nagercoil.
3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

+ 1 CC TO MR.S.SIVAKUMAR, ADVOCATE IN SR No. 29404
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 29771

RR/AR

TE/SKS-RR/ : 21/07/2016 : 3P/6C

ORDER MADE IN
W.P (MD) No.10246 of 2016
10.06.2016