

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 13804 of 2013

Malargodi

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By it secretary,
Department of Home,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The District Superintendent of Police,
Kancheepuram District,
Kancheepuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 02.05.2013 not to detain the petitioner's husband Harikrishnan under Tamil Nadu Act 14/1982 and not to kill the petitioner's husband Harikrishnan by way of fake encounter.

For Petitioner : M/s.R.Sankarasubbu
For Respondents : Mr. S.Diwakar,
Special Govt. Pleader

O R D E R

Heard Mr.R.Sankarasubbu, learned counsel appearing for the petitioner and Mr. S.Diwakar, learned Special Government Pleader appearing on behalf of the respondents.

2. The petitioner has come up with the present writ petition praying to direct the respondents to consider the representation dated 02.05.2013 and not to detain the petitioner's husband Harikrishnan under the Tamil Nadu Act 14/1982 and also not to kill him by way of fake encounter.

3. The petitioner's husband was falsely implicated in the murder which happened in the year 2011, during the Panchayat Election. Hence, the petitioner's husband was detained under the Tamil Nadu Act 14 of 1982 and after 6 months, he was released from the prison for the aforesaid murder case. Therefore, the petitioner has filed this Writ Petition before this Court with the afore said prayer.

4. Admittedly, the petitioner was detained under the Tamil Nadu Act 14 of 1982 and thereafter, he was released from the Tamil Nadu Act 14 of 1982. Hence, the prayer in the Writ Petition has now become infructuous. However, the learned counsel for the petitioner made a representation that her husband Harikrishnan may be killed by a fake encounter in the hands of the 3rd respondent.

5. The learned Additional Government Pleader has submitted that it is only an apprehension made by the petitioner at the time of filing the Writ Petition and there is no substantial material placed before this Court for the above said apprehension. In view of the subsequent events, the Writ Petition is liable to be dismissed.

6. In the light of the submission made by the counsel for the parties, the prayer in the Writ Petition has become infructuous. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to approach the Commissioner of Police and make her representation, if so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary,
The State of Tamil Nadu,
Department of Home,
Fort St. George, Chennai - 600 009.
 2. The District Collector,
Kancheepuram District,
Kancheepuram.
 3. The District Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- +1cc to Mr.Sankarasubbu, Advocate, S.R.No.1818
+1cc to the Government Pleader, S.R.No.2644

SV(CO)
RS(13/02/2017)

W.P. No. 13804 of 2013



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