

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.4680 of 2018

P.Pugalenth

.. Petitioner

vs.

- 1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
 - 2.The Principal Secretary to Government
of Andhra Pradesh,
Home Department,
2nd Block, Ground Floor,
A.P.Secretariat Office, Velagapudi 522 503.
 - 3.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
 - 4.The Commissioner of Police,
Chennai City, Veppery,
Chennai-600 007.
 - 5.The Director General of Police,
State Police Headquarters,
Vijayawada, Andhra Pradesh.
 - 6.The Inspector General of Police,
Red Sanders Anti-Smuggling
Task Force (RSASTF),
Tirupathi,
Andhra Pradesh-517 502.
- .. Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus
directing the respondents to follow the guidelines of the

Supreme Court in D.K.Basu v. State of W.B. : (1997) 1 SCC 416 while effecting arrest of the accused persons in Tamil Nadu and further directing the respondents 2 and 5 to initiate appropriate disciplinary and criminal action against all those police personnel of Andhra Pradesh who had arrested more than 500 persons in Tamil Nadu during 2017 in violation of the law laid down by the Supreme Court in D.K. Basu's case (supra).

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.T.N.Rajagopalan,
Government Pleader
for R1, R3 and R4

ORDER

(Order of the Court was made by Ms.Indira Banerjee,
Hon'ble Chief Justice)

This writ petition has been filed in public interest, seeking writ of mandamus directing the respondents to follow the guidelines of the Supreme Court in D.K.Basu v. State of West Bengal reported in (1997) 1 SCC 416, while effecting arrest of the accused persons in Tamil Nadu. Directions have also been sought on the respondents 2 and 5 to initiate appropriate disciplinary and criminal action against the police personnel of Andhra Pradesh, who, according to the petitioner, had allegedly arrested more than 500 persons in Tamil Nadu in 2017, allegedly in violation of the law laid down by the Supreme Court in D.K.Basu's case (supra).

2. There can be no doubt that the directions given by the Supreme Court in D.K.Basu's case are binding on police authorities all over the country. However, we are at a loss to understand how this Court, entertaining a public interest litigation, can issue directions on the respondents 2, 5 and 6, who are authorities located beyond the territorial jurisdiction of this Court.

3. According to the petitioner, the police personnel of Andhra Pradesh have illegally arrested persons from the State of Tamil Nadu without warrant and they have also arrested the residents of Tamil Nadu, crossing over to Andhra Pradesh, on mere suspicion. However, there are absolutely no particulars of the persons arrested, the places from where the persons were arrested, the officials who arrested the persons and other particulars.

4. The learned counsel for the petitioner has referred to a representation dated 20.01.2018 to the Principal Secretary, Home

Department, Tamil Nadu, The Director General of Police, Tamil Nadu, The Commissioner of Police, Chennai City and the Superintendent of Police, Tirupathi District, Andhra Pradesh, wherein it is alleged that one Syed Ibbrahim and his friends viz., S.Ravek Kulanthiraj, Nagoor Gani, Mohamed Iqbal, had illegally been arrested by the Andhra Pradesh State Police at Mannady, Chennai. According to the learned counsel, representation made by the petitioner had been received by the authorities.

5. It appears that Habeas Corpus Petitions filed by the aforesaid persons in this Court have been closed in view of certain reports received by the Court.

6. As aforesaid, this Court cannot, in a public interest litigation, exercise jurisdiction over authorities in Andhra Pradesh. It may have been different, if any individual aggrieved, had approached this Court.

7. The Writ Petition is disposed of with a direction on the Tamil Nadu Police Authorities to ensure that the guidelines laid down in D.K.Basu's case (supra) are complied with in letter and spirit. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jvm

To:

- 1.The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Principal Secretary to Government of Andhra Pradesh,
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2nd Block, Ground Floor,
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- 3.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.

4.The Commissioner of Police,
Chennai City, Veppery, Chennai-600 007.

5.The Director General of Police,
State Police Headquarters,
Vijayawada, Andhra Pradesh.

6.The Inspector General of Police,
Red Sanders Anti-Smuggling
Task Force (RSASTF),
Tirupathi, Andhra Pradesh-517 502.

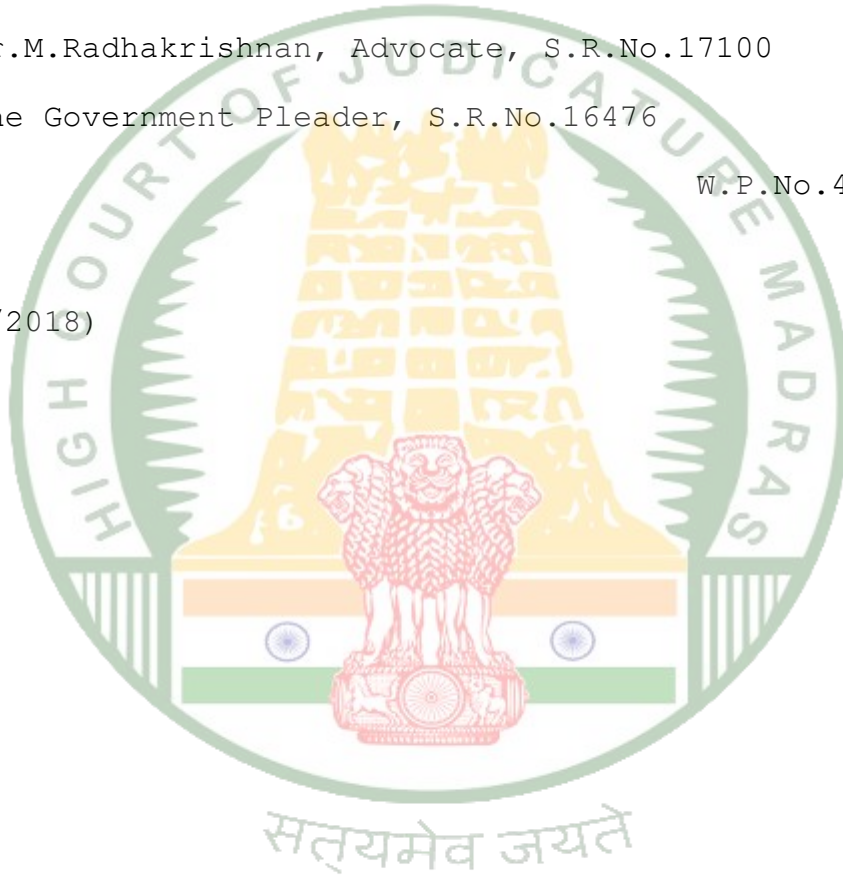
+1cc to Mr.M.Radhakrishnan, Advocate, S.R.No.17100

+1cc to the Government Pleader, S.R.No.16476

W.P.No.4680 of 2018

PPA (CO)

RRK (06/04/2018)



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