

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.03.2018

CORAM

THE HONOURABLE MR JUSTICE M.S.RAMESH

W.P.No.5782 of 2018

and

MP.No.7125 of 2018

Anoor Jagadeesan
President of Thanthai Periyar
Dravidar Kalgam

.. Petitioner

Vs.

1. State of Tamil Nadu rep by its
Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai -9.
2. The Commissioner of Police,
Greater Chennai, Vepery
Chennai -7.
3. H.Raja,
BJP National Secretary

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the representation of the petitioner dated 07.03.2018 and to pass orders to detain the third respondent under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Slum-grabbers and Video Pirates Act (Tamil Nadu Act 14 of 1982) (Tamil Nadu Act 14 of 1982) as goonda.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.D.RajKumar

Additional Government Pleader
for R1 and R2

No appearance for R3

O R D E R

In view of the alleged statement made by the third respondent herein in the social media, the petitioner had given a representation on 07.03.2018 to the first and second respondents herein, with a request to detain the third respondent under Tamil Nadu Act 14 of 1982. Since the representation has not been considered till date, the writ petition has been filed, seeking for a direction to the respondents 1 and 2 to consider his representation dated 07.03.2018 and to pass orders to detain the third respondent under the TamilNadu Act 14 of 1982.

2. Insofar as the consequential prayer is concerned, I am of the view that this Court, exercising its power under Article 226 of the Constitution of India, may not be justified in stepping into the shoes of the appropriate statutory authorities, for passing a detention order. It is for the statutory authorities under the Act to consider the representation and take appropriate decisions on merits, based on the material available before them.

3. Insofar as the prayer to consider the representation of the petitioner dated 07.03.2018 is concerned, I am of the view that since the representation was given only on 07.03.2018 and the process to consider the same may take considerable time, it would not be appropriate for this court to fix an outer limit. In case, the representation of the petitioner is unreasonably delayed, it is always open to him to seek appropriate remedy in accordance with law.

4. Under such circumstances, I am of the view that prayer sought in the writ petition cannot be considered at this stage.

5. In the result, the petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS VI)

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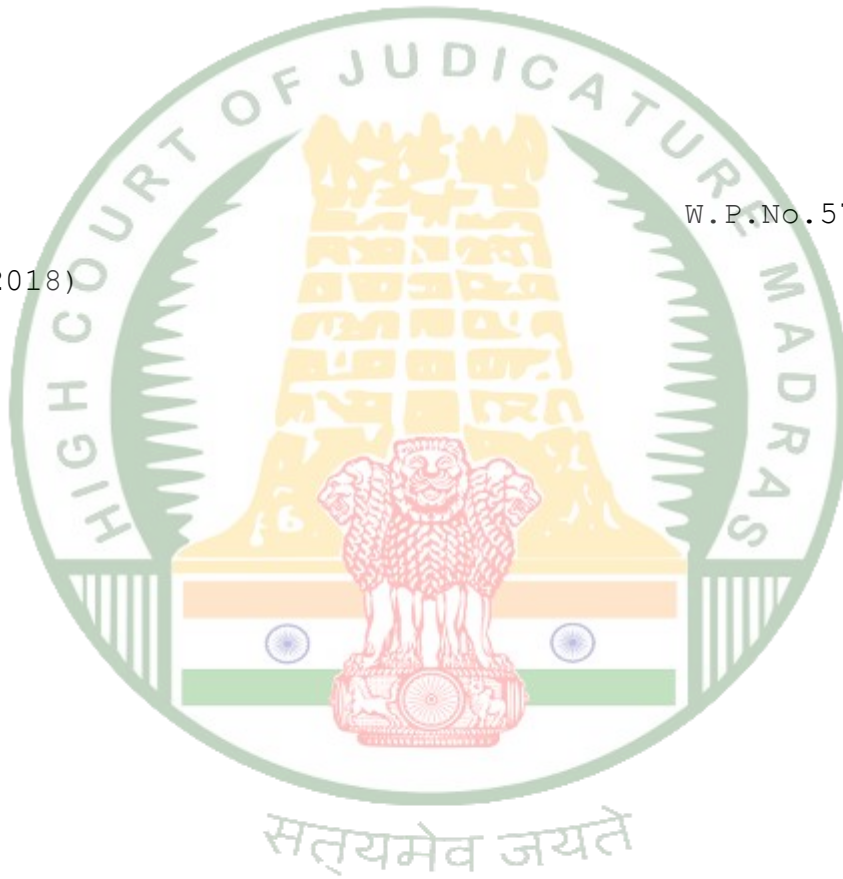
Sub-Assistant Registrar

To

1. State of Tamil Nadu rep by its
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Home, Prohibition and Excise Department,
Secretariat, Chennai -9.
2. The Commissioner of Police,
Greater Chennai, Vepery
Chennai -7.

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SP(09/04/2018)



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