

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.19513 of 2018

M.Gagan Bothra

.. Petitioner

Vs

1. The Home Secretary,  
The Government of Tamil Nadu,  
O/o. The Secretariat,  
Chennai - 600 009.

2. The Director General of Police,  
No.1, Dr.Radhakrishna Salai,  
Mylapore, Chennai-600 004.

3. The Commissioner of Police,  
Greater Chennai,  
Vepery, Chennai - 600 007

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India, praying for issuance of a writ of mandamus, (a) forbearing the respondents, his men from harassing the petitioner especially in matters which are of civil in nature under the guise of invoking/threatening to impose Tamil Nadu Prohibition of Charging Exorbitant Act, 2003 and (b) forbearing the respondents from interfering in a civil transaction especially when the matter is pending for adjudication before a civil forum.

For Petitioner : Mr.M.Gagan Bothra  
Party-in-person

For Respondents: Mr.D.Raja  
Addl. Govt. Pleader

O R D E R

It is the case of the petitioner that he is into finance business. But, however, he is being harassed and threatened by the Police that he would be booked under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. Hence,

the petitioner is before this Court with the above prayer.

2.Heard Mr.M.Gagan Bothra, Party-in-person, who submitted that he was detained as a Goonda under Tamil Nadu Act 14 of 1982 and his Detention Order was set aside by a Division Bench of this Court in HCP.No. 1745 of 2017 on 22.11.2017 observing that the petitioner could not have been prosecuted under the said Act.

3.Be that as it may, an omnibus direction as prayed for by the petitioner cannot be issued in exercise of Writ jurisdiction. That apart, the petitioner has not even impleaded the Assistant Commissioner of Police and the Inspector of Police, in charge of implementing the said Act and had instead impleaded the Home Secretary, the Director General of Police and the Commissioner of Police, who cannot possibly cause any harassment on account of the very nature of their duties. Under such circumstances, this petition is closed with a direction to the Assistant Commissioner of Police and Inspector of Police, in charge of implementing the said Act, not to harass the petitioner, unless there is a complaint disclosing the commission of cognizable offence. No costs.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

1.The Home Secretary,  
The Government of Tamil Nadu,  
O/o.The Secretariat,  
Chennai - 600 009.

2.The Director General of Police,  
No.1, Dr.Radhakrishna Salai,  
Mylapore, Chennai-600 004.

3.The Commissioner of Police,  
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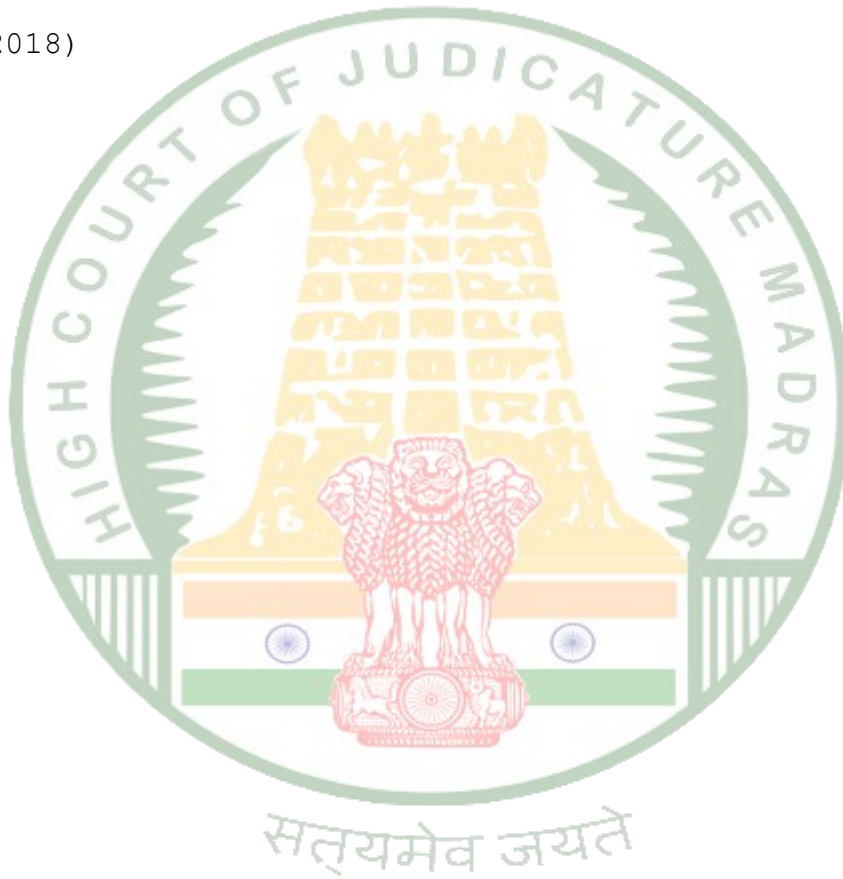
4.The Assistant Commissioner of Police,  
CCB in charge of Kandhuvatti Section,  
Chennai.

5.The Inspector of Police,  
CCB in charge of Kandhuvatti Section,  
Chennai.

+2cc to Mr.M.Gagan Bothra, Party in Person sr.no.51756(28/08/2018)  
+1cc to Government Pleader sr.no.52869(28/08/2018)

W.P.No.19513 of 2018

SP(09/08/2018)



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