

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23866 of 2019

Tmt. Dhanam

... Petitioner

Vs

1. State of Tamil Nadu rep. By the
S.C. Joint Secretary to Government,
Public (SC) Department,
Secretariat, Chennai - 600 009.
 2. The District Collector,
Tiruchirappalli.
 3. The Deputy Collector (Incharge),
Special Camp, Kottappattu,
Tiruchirappalli - 620 023.
 4. The Superintendent of Police,
'Q' Branch CID,
Chennai -4.
 5. The Deputy Commissioner of Police,
Central Crime Branch,
Chennai.
- ... Respondents
- [R5 is suo motu impleaded as per
the order made in W.P.No.23866 of 2019 by NAVJ]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection passed in Na.Ka.Vu.3/13310/2019 dated 19.06.2019 on the file of the 2nd respondent quash the same and direct the 1st respondent to consider the representation of the petitioner's husband P.Krishnamoorthy @ Moorthy, son of Paramanandam now detained at Special Refugee Camp for Srilankan Tamils,

Kottappattu, Tiruchirappalli dated 03.04.2019 for revoking the order of detention passed in G.O.No.SR.III/2228-2/2018 dated 05.02.2019 on the file of the 1st respondent and permit him to reside along with the petitioner and his family members.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.C.Emilias, AAG, assisted by
Mr.C.Iyyapparaj, APP

ORDER

Petitioner has filed the present Writ Petition seeking to quash the proceedings of the second respondent in Na.Ka.Vu.3/13310/2019 dated 19.06.2019 and direct the 1st respondent to consider the representation of the petitioner's husband P.Krishnamoorthy @ Moorthy, son of Paramanandam now detained at Special Refugee Camp for Srilankan Tamils, Kottappattu, Tiruchirappalli dated 03.04.2019 for revoking the order of detention passed in G.O.No.SR.III/2228-2/2018 dated 05.02.2019 on the file of the 1st respondent and permit him to reside along with the petitioner and his family members.

2. Heard the learned counsel for the petitioner and learned Additional Advocate General assisted by learned Additional Public Prosecutor for respondents.

3. The learned counsel for petitioner submitted that in view of the medical ailments of the petitioner's husband, he has to undergo the following surgeries:

- (i) Hernia Operation
- (ii) Piles Operation
- (iii) Surgery in right ear
- (iv) Heart Surgery

For such contentions, the learned counsel for petitioner would rely upon the medical certificate issued by the Jail Doctor on 01.05.2014 and 25.03.2015. After lapse of 5 years, the present writ petition has been filed.

4. Today, when the matter was called, the learned Additional Advocate General has filed a status report stating that the petitioner's husband was involved in several cases before the Central Crime Branch and that in connection with his medical ailments, he was referred to the Medical Board. As per the report of the Medical Board

dated 16.09.2019, the petitioner's husband's medical status is stable.

5. I intend to give credence to the certificate issued by the Medical Board, since it has been issued just about 10 days before. Whereas, the medical certificate relied upon by the learned counsel for petitioner is about 5 years back. Since, the relief sought for in the present case is predominantly on the ground that medical status of the petitioner's husband is not stable, the recent certificate of the Medical Board dated 16.09.2019 proves otherwise and hence, I am unable to accept such a submission.

6. In the result, there are no merits in this writ petition. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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Chennai -4.
5. The Deputy Commissioner of Police,
Central Crime Branch,
Chennai.

+1cc to Mr.S.Doraisamy , Advocate SR.No. 79752

W.P.No.23866 of 2019

A.SK(23/10/2019)