



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1181 of 2018

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Mr.K.Stuart John

: Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home, (Prohibition and Excise Department),
Secretariat, Chennai-9.

2.The District Collector,
O/o. Collectorate Buildings,
Kanyakumari District,
Kanyakumari.

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

4.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.

5.Christhu Das

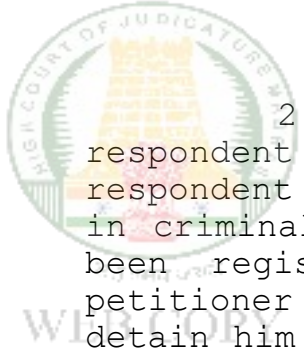
: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to initiate the Goondas proceedings against the respondent No.5 under Section 3 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immortal Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982, within the time frame fixed by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1to4	: Mr.K.K.Ramakrishnan, Additional Public Prosecutor
For Respondent No.5	: Mr.C.K.M.Appaji

O R D E R

This Writ Petition has been filed seeking a direction to the second respondent to detain the fifth respondent under the Tamil Nadu Act 14 of 1982.



2. The grievance of the petitioner is that, the fifth respondent herein is the brother-in-law of the petitioner. The fifth respondent married the petitioner's sister and he is also involved in criminal activities and two First Information Reports have also been registered against him. In the above circumstances, the petitioner made an application before the second respondent to detain him under the Tamil Nadu Act 14 of 1982. That representation was not considered so far. Hence, the present Writ Petition has been filed.

3. The Writ Petition seeking to declare the fifth respondent as a 'Goonda' and to detain him under the Tamil Nadu Act 14 of 1982, itself is not maintainable. It is for the second respondent to consider as to whether the person should be termed as 'Goonda' and proceedings to detain him under the Tamil Nadu Act 14 of 1982 should be initiated or not. This Court cannot issue any such direction to the second respondent to invoke the provisions of the Tamil Nadu Act 14 of 1982 and to detain the fifth respondent. Hence, the Writ Petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, (Prohibition and Excise Department),
Secretariat, Chennai-9.

2.The District Collector,
O/o. Collectorate Buildings,
Kanyakumari District,
Kanyakumari.

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

4.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.

5.The Public Prosecutor,
Madurai Bench of Madras High Court, Madurai



+1 CC to Mr.C.K.M.APPAJI, Advocate (SR-81063[F] dated 09/08/2019)

Order made in

W.P. (MD) No.1181 of 2018

Dated: 09.08.2019

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sml

MK (27.08.2019) 3P 7C