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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2021

Coram

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No. 13861 of 2021

Jeyalakshmi

.. Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
4. The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai.

...Respondents

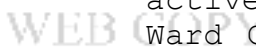
Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to issue necessary direction to the second respondent to consider the petitioner's representation dated 17.06.2021 made to the first respondent in person.

For Petitioner : Mr. M. Prabakar

For Respondents : Mr. G. Krishnaraja,
Government Advocate

O R D E R

Mr.G.Krishnaraja, learned Government Advocate takes notice for the respondents. With the consent of both sides, this Writ



2. The case of the petitioner is that her husband is an active politician and he served the people in his capacity as Ward Councilor of Thiruvannamalai Town Municipality. While so, the fourth respondent police have registered two false cases against her husband in Crime No.608 of 2019 and 640 of 2021. On 12.06.2021, her husband was forcibly taken to the Police Station by the fourth respondent police for producing him before the Magistrate. Thereafter, the petitioner's husband was taken to the Government Hospital, Thiruvannamalai for treatment and then he was taken to the Sub Jail, Polur. In the meanwhile, the petitioner's husband moved a Bail Petition before the Principal Sessions Court, Thiruvannamalai, however, the same was adjourned by 05.07.2021. According to the petitioner, she learnt that the fourth respondent is in the process of preparing false material evidence to detain her husband under The Preventive Act as a Goonda. Therefore, the petitioner had sent a representation to the respondents 1 to 3 seeking his intervention in the unlawful act of the fourth respondent. The petitioner also would state that she had given the representation dated to the second respondent in person, however, no action has been taken thereof. According to the petitioner, she has reasons to believe that steps are being taken by the fourth respondent to sponsor the name of her husband to the detaining authority so as to detain her husband under the Preventive Law. The petitioner has therefore approached this Court with this writ petition for the relief stated supra.

4. The learned counsel for the respondents 1 to 3 would contend that there is no attempt to unlawfully detain the husband of the petitioner by implicating him with false cases. The learned counsel also submits that if any representation is made by the petitioner, it would receive the earnest attention of the respondents 1 to 3 and orders would be passed on merits and in accordance with law.

5. Having regard to the above submission of the learned counsel for the respondents 1 to 3, this Court hereby direct the first respondent to issue direction to the second respondent to consider the petitioner's representation dated 17.06.2021 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as any of the interested parties.



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6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
4. The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai.

+1cc to Mr. M. Prabakar, Advocate, S.R.No.31474

WP No. 13861 of 2021

KSM(CO)
CT/06/09/2021