



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

W.P. (MD)No.12188 of 2021

WEB COPY

Saraswathi

Petitioner

Vs.

1.The District Collector,  
Ramanathapuram District.

2.The Superintendent of Police,  
Ramanathapuram District.

3.The Inspector of Police,  
Nainarkovil Police Station,  
Ramanathapuram District.

Respondents

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 05.07.2021, by giving opportunity of being heard, as expeditiously as possible, within the time stipulated by this Court.

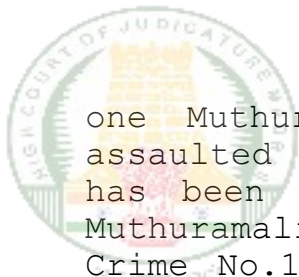
For Petitioner : Mr.R.Anand  
For Respondents : Mr.R.M.Anbunithi,  
Additional Public  
Prosecutor(Crl. side)

### O R D E R

By consent of both sides, this Writ Petition is taken up for final disposal at the stage of admission itself. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents.

2.This Writ Petition has been filed seeking a direction to the respondents to consider and dispose of the petitioner's representation dated 05.07.2021, by giving opportunity of being heard.

3. The case of the petitioner is that her son namely N.Manojkumar was wrongly implicated in Crime No.159 of 2021, which was registered for the offences punishable under Sections 147, 148, 294(b), 435, 436, 506(ii), 120B IPC r/w Section 3 & 4 of Tamil Nadu Property (Prevent of Damage & Loss) Act, 1992 and has been arrested and remanded to custody. In the meantime, it came to understand that



one Muthuramalingam, who had previous motive against Samidurai assaulted the brother of Samidurai by name Leninraja. So the case has been registered in Crime No. 158 of 2021 against the said Muthuramalingam and others. As a counter blast case, the above said Crime No.159 of 2021 has been registered against the petitioner's son. It came to understand that based upon the pendency of the criminal case, the respondents are making arrangements to detain the petitioner's son under Preventive Detention Laws. Hence, the petitioner made a representation dated 05.07.2021 to the respondents 1 & 2. Since no action has been taken, the petitioner is before this Court with the present Writ Petition.

4.The learned Additional Public Prosecutor would submit that since criminal case has been registered against the son of the petitioner, a proposal is pending with the first respondent herein for passing detention order under Preventive Detention Laws. He would further submit that the authorities are ready to consider the representation, dated 05.07.2021, if so directed by this Court.

5 The limited prayer sought for by the petitioner is that to consider her representation, which is termed as 'Pre-detention representation'. Since this is a Pre-detention representation, authorities are bound to consider the same by giving opportunity to the petitioner's son. There shall be a direction to the first respondent to consider the representation, dated 05.07.2021, before passing the detention order.

6.With the above direction, this Writ Petition is ordered.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

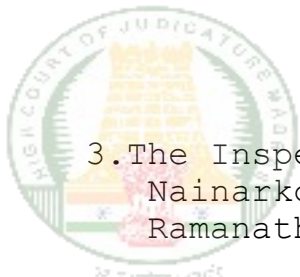
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**NOTE:**In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To**

- 1.The District Collector,  
Ramanathapuram District.
- 2.The Superintendant of Police,  
Ramanathapuram District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Inspector of Police,  
Nainarkovil Police Station,  
Ramanathapuram District.

Copy to

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

**W.P. (MD) No.12188 of 2021**  
**19.07.2021**

VR(CO)  
LR (19.07.2021) 3P 5C