



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.19911 of 2021

WEB COPY
XXXXXXXXXXXX

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District.

3.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

4.The Sub Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 25.10.2021 and consequently forbear the first respondent from passing preventive detention order by invoking Act 14 of 1982.

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor

ORDER

This writ petition has been filed for forbearing the District Collector, Thoothukudi from invoking Act 14 of 1982 against the petitioner's husband. Her husband was arrested in connection with Crime No.93 of 2021 registered on the file of the Thattaparai Police Station, Thoothukudi District for the offences under Sections 294 (b), 352, 506(1), 306 of IPC, Sections 4 and 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Since the second accused in this case has already been detained as Goonda, the petitioner apprehends that a similar order may be passed against the petitioner's husband also. In the affidavit filed in support of this writ petition, a number of reasons have been set out as to why the detention order ought not to be passed against the petitioner's husband.



2.Heard the learned counsel on either side.

3.As rightly submitted by the learned Additional Public Prosecutor appearing for the respondents, this writ petition is clearly not maintainable. Whether to detain a person under Tamil Nadu Act 14 of 1982 or not is left to the subjective satisfaction of the District Collector/Commissioner of Police concerned. The court exercising its jurisdiction under Article 226 of the Constitution of India cannot preempt the concerned authority in this regard. As and when such an order is passed, it is open to him or her or his or her next friend to challenge the same in accordance with law. This writ petition has been prematurely filed. It stands dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

Note : Registry shall suppress the name of the petitioner while issuing order copy.

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District.
- 3.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
- 4.The Sub Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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KMK (CO)

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