



WEB COPY



W.P.No.26534 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.No.26534 of 2014

A.Mugundan

..

Petitioner

VS

1. The State of Tamil Nadu  
Rep. by its Secretary to Government  
Department of Home Affairs / Prohibition  
& Excise, St. George Fort, Chennai.

2. The Director General of Police  
Dr.Radhakrishnan Salai  
Mylapore, Chennai.

3. The Superintendent of Police  
Kancheepuram District.

4. Mr.Balu

..

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, forbearing the respondents from passing orders against our trade union office bearer A.K.Siva son of Late Kasi aged about 35 years, having office at No.110, N.S.K.Salai, Kodambakkam, Chennai from detaining him under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers Act, 1982 (Act 14 of 1982).



W.P.No.26534 of 2014

For the Petitioner : Mr.T.Mohan  
for Mr.S.Parthasarathy

For the Respondents : Mr.P.Kumaresan  
Additional Advocate General  
assisted by Mr.J.Arunkumar  
Additional Government Pleader  
for respondents 1 to 3

Not ready in notice  
for respondent 4

### ORDER

The relief sought for in the present writ petition is to forbear the official respondents from passing orders against the trade union office bearer one A.K.Siva, S/o Late Kasi, having office at No.110, N.S.K.Salai, Kodambakkam, Chennai from detaining him under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers Act, 1982 (for brevity, the Act 14 of 1982).

2. During the relevant point of time, based on certain apprehension that the petitioner was proposed to be detained by the competent authorities,



W.P.No.26534 of 2014

the writ petition was instituted and an interim order was granted forbearing the respondents from invoking Act 14 of 1982. On account of efflux of time, very specifically after a lapse of about eight years, such apprehension cannot be a ground to grant the relief to forbear the respondents from invoking the provisions of the Act.

3. Whether to invoke the provisions of the Act or not must be based on the provisions of the Act and the facts involved in the case. Therefore, no further adjudication needs to be undertaken and consequently, the writ petition stands closed. There will be no order as to costs.

13.03.2023

Index : Yes/No  
Neutral Order:Yes/No  
drm



W.P.No.26534 of 2014

WEB COPY

To:

1. The Secretary to Government  
The State of Tamil Nadu  
Department of Home Affairs / Prohibition  
& Excise, St. George Fort, Chennai.
2. The Director General of Police  
Dr.Radhakrishnan Salai  
Mylapore, Chennai.
3. The Superintendent of Police  
Kancheepuram District.



WEB COPY



W.P.No.26534 of 2014

S.M.SUBRAMANIAM,J.

(drm)

W.P.No.26534 of 2014

13.03.2023  
( $\frac{1}{2}$ )