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WP.No.29132/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

WP.No.29132/2023 & WMP.No.28737/2023

Kuttiyammal

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep.by its Secretary
to Government, Home, Prohibition
& Excise Dept., Fort St George
Chennai 600 009.
- 2.The State of Tamil Nadu
rep.by its Special Officer [FAC]
Mudalvarin Mugavari Department
Tamilnadu Secretariat,
Fort St George, Chennai 600 009.
- 3.The State of Tamil Nadu
rep.by its Secretary to Government
Law Department, Tamil Nadu Secretariat
Fort St George, Chennai 600 009.



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4.The State of Tamil Nadu
rep.by its Secretary to Govt.,
Adi Dravidar & Tribal Welfare Department
Tamil Nadu Secretariate, Fort St George
Chennai 600 009.

5.The Director General of Police
Tamil Nadu, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

6.The Commissioner of Police
Avadi City, Tiruvallur District.

7.The Inspector of Police
E5 Sholavaram Police Station
Tiruvallur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the 1st to 5th respondents to consider and dispose of petitioner representation dated 25.05.2023 within the stipulated time by this Court.

For Petitioner	: Mr.I.K.Charles Alexander
For Respondents	: Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)The present writ petition has been filed by the petitioner, mother of the detenu Suriya, S/o.[late] Mani, who had been detained under the Tamil



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Nadu Act 14 of 1982 as a 'Goonda', seeking a mandamus to direct the respondents 1 to 5 to consider the petitioner's representation dated 25.08.2023.

(2)The petitioner has submitted a representation to the respondents making serious allegations and pointing out several irregularities in the order of the Advisory Board, rejecting the representation of the petitioner earlier. The son of the petitioner had been detained under Act 14 of 1982. It is also admitted that her earlier representation had also been rejected on 26.07.2023.

(3)It is stated by the learned Additional Public Prosecutor that the representation of the other four accused were favourably considered while the representation of the other accused including the representation of the detenu herein was rejected for reasons. The petitioner in his representation, has now listed the cases which are pending against the other detenus and stated that the petitioner has been singled out.

(4)When the representation of the petitioner is considered and rejected, the petitioner may have other remedies. None of the respondents have the power to review the order passed by the Advisory Board and they are not



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the Appellate Authority.

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(5) In such circumstances, this Court is unable to find any bona fides on the part of the petitioner in filing this writ petition. Unless there is a statutory obligation or statutory duty cast upon any of the respondents to consider the representation, this Court cannot entertain a writ petition of this nature.

(6) Hence, the writ petition stands **dismissed**. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.M, J.]
09.10.2023

AP

Internet : Yes



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To

- 1.The Secretary to Government,
State of Tamil Nadu
Home, Prohibition & Excise Dept.,
Fort St George, Chennai 600 009.
- 2.The Special Officer [FAC]
State of Tamil Nadu
Mudalvarin Mugavari Department
Tamilnadu Secretariat,
Fort St George, Chennai 600 009.
- 3.The Secretary to Government
State of Tamil Nadu
Law Department, Tamil Nadu Secretariat
Fort St George, Chennai 600 009.\
- 4.The Secretary to Govt.,
State of Tamil Nadu
Adi Dravidar & Tribal Welfare Department
Tamil Nadu Secretariate, Fort St George
Chennai 600 009.
- 5.The Director General of Police
Tamil Nadu, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.
- 6.The Commissioner of Police
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- 7.The Inspector of Police
E5 Sholavaram Police Station
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- 8.The Public Prosecutor, High Court, Madras.



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and
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