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W.P.No.13224 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2024

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.13224 of 2024 &

WMP.No.14367 of 2024

T.Vignesh

... Petitioner

Vs.

- 1.The Chief Secretary,
Secretariat,
Government of Tamil Nadu,
Fort St. George,
Chennai – 9.
- 2.The Secretary,
Home Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai – 9.
- 3.The Director General of Police,
O/o. DGP, Dr.Radha Krishnan Salai,
Mylapore, Chennai – 5.
- 4.The Commissioner of Police,
Commissionerate,



W.P.No.13224 of 2024

Vepery, Chennai – 3.

WEB COPY

5.The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
T.Nagar, Chennai – 17.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking writ of mandamus to forbear the respondents from invoking the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 against the CEO, Savukku Media (P) Ltd.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.E.Raj Thilak,
Additional Government Pleader
(Crl. Side)

ORDER

This writ petition has been filed seeking issuance of Mandamus to forbear the respondents from invoking the Tamil Nadu Prevention of



W.P.No.13224 of 2024

WEB COPY

Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 (herein after referred to as “the Act”) against the CEO, Savukku Media (P) Ltd.

2. Learned counsel for the petitioner would vehemently contend that the respondents are taking various steps to detain the petitioner under the Act. They falsely implicate the CEO of Savukku Media (P) Ltd., and therefore, he would submit that materials are there for the apprehension of the petitioner. Hence, he would seek interference of this Court in issuing the mandamus to forbear the respondents from initiating any action under the provisions of the Act against the CEO of Savukku Media (P) Ltd.

3. Learned Additional Public Prosecutor would oppose the writ petition, relying upon the judgment of this Court in W.P.No.1664 of 2021 dated 04.02.2021 and would submit that mere apprehension cannot be a



W.P.No.13224 of 2024

WEB COPY

ground for grant of such mandamus. Further, he would submit that the court should not also exercise the power of mandamus against the authority forbearing them from exercising their statutory action.

4. At the outset, I am of the view that the mandamus prayed for in this writ petition forbearing the official respondents from performing their functions provided under the statute, firstly, cannot be entertained. Secondly, the writ petition had been filed by the Creative Head of Savukku Media (P) Ltd. A perusal of the affidavit would show that there has been no multiple criminal cases that have been launched against the CEO of Savukku Media (P) Ltd.

5. Further, as rightly pointed out by the learned Additional Public Prosecutor, the court could not invoke the powers under Article 226 of the Constitution of India to forbear the respondents from doing their statutory duty. The said position of law is well established by the Hon'ble Apex Court



W.P.No.13224 of 2024

WEB COPY

in various Judgments. Further, the learned Single Judge, in the judgment cited by the learned Additional Public Prosecutor, had dealt with the issue and concluded that only when a pre-detention order is passed, the same can be interfered with, that too, on the limited grounds as held by the Hon'ble Apex Court.

6. In the present case, no such pre-detention order has been passed by the respondents. Hence, the apprehension of the petitioner cannot be relied upon by this Court to grant the prayer sought.

7. In fine, I do not find any merit in the writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

08.05.2024

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W.P.No.13224 of 2024

WEB COPY

Index : Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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W.P.No.13224 of 2024

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WEB COPY



W.P.No.13224 of 2024

K.KUMARESH BABU,J.

nl

W.P.No.13224 of 2024



WEB COPY



W.P.No.13224 of 2024

08.05.2024