



W.P(MD)No.8401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8401 of 2024

Mahalakshmi

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The District Collector,
Trichy District,
Trichy.

3.The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation dated 26.03.2024.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R3.



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ORDER

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Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned Government Advocate (Crl. Side) for the third respondent.

2.The petitioner apprehends that her brother / Sasi Kumar will be detained as “Goonda”. This writ petition has been filed for restraining the second respondent from invoking Tamil Nadu Act No.14 of 1982.

3.The relief sought for cannot be granted by the Writ Court. Whether to detain a person as Goonda is for the detaining authority to decide. I am certain that only based on relevant materials, an appropriate decision will be taken by the second respondent. This Court cannot anticipate as to what decision which the second respondent will take. It appears that the petitioner's brother is now in custody. When bail petition was moved, a submission was made by the sponsoring authority that proposal has been submitted for detaining the petitioner's brother as Goonda. The bail petition was adjourned. It is in these circumstances, the present writ petition has been filed.



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4. There is absolutely no precedent for granting the relief now sought for.

If the second respondent passes any detention order, it is always open to the petitioner herein to file a writ petition questioning the same. This writ petition has been prematurely filed.

5. Leaving open all the contentions of the petitioner / her brother, this writ petition is dismissed. No costs.

02.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Secretary to Government,
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Secretariat, Fort St. George,
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2. The District Collector,
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Trichy.

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G.R.SWAMINATHAN, J.

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