



HCP(MD) No.1373 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Nineteenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice M.NIRMAL KUMAR

HCP(MD) No.1373 of 2022

NAGARAJ

... PETITIONER/FATHER OF THE DETENUE

Vs

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT. ST. GEORGE, CHENNAI- 600 009.

2 THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR,
DINDIGUL DISTRICT, DINDIGUL.

3 THE SUPERINTENDENT OF PRISON
MADURAI CENTRAL PRISON,
MADURAI DISTRICT.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Habeas Corpus or any other Writ or Direction calling for the entire records, connected with the Detention order of the Respondent No.2 in Detention Order No.73 of 2022 dt.7.8.2022 and Quash the same and direct the Respondents to produce the body or person of the detenu by name Tamilalagan, S/o.Nagaraj, aged 28 years, now detained as "Goonda" at Madurai Central Prison before this Hon'ble Court and set him at liberty forthwith.

<https://www.mhc.tn.gov.in/judis>



HCP(MD) No.1373 of 2022

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.ALAGUMANI.R, Advocate for the petitioner and of MR.HASAN MOHAMED JINNAH, Public Prosecutor assisted by MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

(Order of the Court was made by M.S.RAMESH, J.)

Today, this Habeas Corpus Petition is listed under the caption, 'for reporting compliance'.

2. In continuation of the earlier orders of the Coordinate Bench of this Court dated 19.06.2023 and 28.06.2023, wherein a direction was issued to the State Government to come out with the proposal to make amendment to Section 3(2) of the Act 14 of 1982 enabling all the Commissioners of Police at various Commissionerates and Inspector General of Police level officials of the police department at various zones to act as a detaining authority within the meaning of provisions of Act 14 of 1982.

3. Today, the learned Public Prosecutor for the State produced a copy of the Government letter No.8362/H, P&E(XVI)/2023-5 dated 17.07.2023, which states that after a detailed study and also after considering all the issues involved in the subject under reference, it has been decided that as the system now in vogue in passing through placidly during all these years, the existing system may be allowed to continue as such.



HCP(MD) No.1373 of 2022

4. We are conscious of the fact that this Court had only made a suggestion of the feasibility to amend Section 3(2) of the Act and when the Government had taken a policy decision stating that such amendment is not feasible, we will not interfere with such policy decisions or pass any further orders in this regard. Hence, while recording the letter dated 17.07.2023, this Petition is closed, as no further orders are required to be passed.

sd/-
19/07/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR

TO

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT. ST. GEORGE, CHENNAI- 600 009.

2 THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR,
DINDIGUL DISTRICT, DINDIGUL.

3 THE SUPERINTENDENT OF PRISON
MADURAI CENTRAL PRISON,
MADURAI DISTRICT.



HCP(MD) No.1373 of 2022

4 THE JOINT SECRETARY TO GOVERNMENT,
PUBLIC (LAW & ORDER),
FORT ST.GEORGE, CHENNAI - 9.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE PRINCIPAL SECRETARY TO GOVERNMENT,
STATE GOVERNMENT OF TAMILNADU,
FORT ST.GEORGE, CHENNAI.

ORDER
IN

HCP(MD) No.1373 of 2022
Date :19/07/2023

RS/MMS/SAR-(01.08.2023) 4P 7C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023