

(2008) 09 MAD CK 0092

Madras High Court

Case No: Writ Petition (MD) No. 8357 of 2008 and M.P. (MD) No's. 1 and 2 of 2008

B.T. Kumar @ B.T. Arasakumar
President

APPELLANT

Vs

The District Magistrate and
District Collector and The
Superintendent of Police

RESPONDENT

Date of Decision: Sept. 22, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 144, 144(4), 144(5), 144(6)

Hon'ble Judges: K. Chandru, J

Bench: Single Bench

Advocate: E. Vijay Anand, for the Appellant; D. Sasikumar, Government Advocate, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

K. Chandru, J.

This writ petition is filed against the order passed by the District Magistrate cum District Collector, Ramanathapuram dated

13.09.2008, wherein and by which under the strength of promulgation of the order u/s 144 of Cr.P.C, the District Magistrate cum District

Collector had prohibited the entry of the petitioner into the Ramanathapuram District on or after 13.09.2008.

2. Notice was ordered in this matter to the learned Government Advocate and it was directed to be posted on 22.09.2008.

3. Today, when the matter is called, the District Magistrate cum District Collector, has filed a detailed counter affidavit, dated 19.09.2008,

justifying the promulgation of the order u/s 144 of Cr.P.C against the petitioner. A typed set of papers containing the reports received against the

petitioner is filed and the conclusion reached by the first respondent in promulgating the order u/s 144 have also been set out.

4. After some arguments, Mr. E. Vijay Anand, learned Counsel for the petitioner submits that under the provisions of Cr.P.C, the order passed by

the District Magistrate cum District Collector u/s 144, which is impugned in the writ petition, is valid for a period of two months from making

thereof. But, even before its expiry an aggrieved person can move the District Magistrate in terms of Section 144(5) of Cr.P.C to rescind or alter

any order made u/s 144 by himself or any Magistrate subordinate to him. u/s 144(6), the State Government has also power to rescind or alter any

order made by u/s 144(4) by an application filed by a person aggrieved. Therefore, the learned Counsel submits that he will move the appropriate

authorities for rescinding the order and liberty may be granted to him.

5. Therefore, without going into the merits of the case, the writ petition stands dismissed. However, this will not prevent the petitioner from

approaching the authorities either u/s 144(5) or u/s 144(6) as the case may be. No costs. Consequently, connected Miscellaneous Petitions are

closed.