



W.P(MD)No.11168 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2024

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CORAM :

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.P(MD)No.11168 of 2024

G.Theeran Thirumurugan @ Thirumurugan

... Petitioner

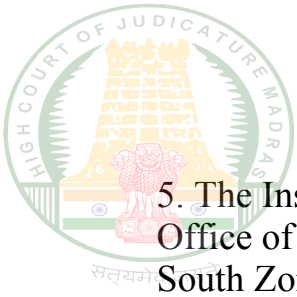
vs.

1. State of Tamil Nadu, represented by,
The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai-600 004.

3. The Zonal Director,
Narcotics Control Bureau,
Chennai Zonal Unit,
TNHB Colony,
Ambattur,
Chennai-600 053.

4. The Additional Director General of Police,
Office of the Additional Director General of Police,
Enforcement Bureau Crime Investigation Department,
CBCID Complex, 24 Pantheon Road, Egmore,
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W.P(MD)No.11168 of 2022

WEB COPY

5. The Inspector General of Police,
Office of the Inspector General of Police,
South Zone,
Race Course Colony,
Madurai-625 002.

6. The Superintendent of Police,
Office of the Superintendent of Police,
Alagarkovil Road,
Madurai District.

7. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.

8. The Deputy Superintendent of Police,
NIB CID,
Valluvar Colony 4th Street,
CS Nagar,
Madurai-625 014.

9. The Inspector of Police,
NIB CID,
Valluvar Colony 4th Street,
CS Nagar,
Madurai-625 014.

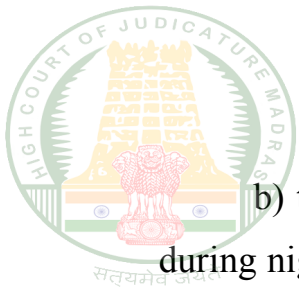
10. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take appropriate action

a) to set up 'Police Outpost' in Iyappan Nagar and Neelamega Nagar at Y.Othakadai, Madurai District with adequate police personnel to take action against the motorists driving under the influence of alcohol and to prevent the transportation of ganja and other psychotropic substances in accordance with

law within the time stipulated by this Court.



b) to deploy sufficient number of police personnel for regular patrolling during night hours in patrol vehicles and two-wheelers at Y.Othakadai, Madurai District and its nearby areas to prevent the selling of drugs and other illegal activities in accordance with law within the time stipulated by this Court.

c) to install 'CCTV Cameras' in important places in Y.Othakadai, Madurai District and its surrounding areas where the crimes are being taken place in the recent times in accordance with law within the time stipulated by this Court.

d) to constitute 'Special Wing' of police officials attached to the respondents 9 and 10 to take appropriate action against the persons who are involved in selling the transportation of ganja and other narcotic substances in Y.Othakadai, Madurai District and its surrounding areas in accordance with law within the time stipulated by this Court.

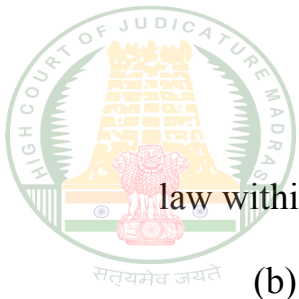
For Petitioner : Mr.R.Alagumani
For R1 : Mr.R.Sureshkumar
Additional Government Pleader
For R2 to R10 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **P.VELMURUGAN, J.**)

The petitioner has filed this public interest writ petition seeking to issue a Writ of Mandamus directing the respondents to take appropriate action,

(a) to set up a 'Police Outpost' in Iyappan Nagar and Neelamega Nagar at Y.Othakadai, Madurai District with adequate police personnel to take action against the motorists driving under the influence of alcohol and to prevent the transportation of ganja and other psychotropic substances in accordance with



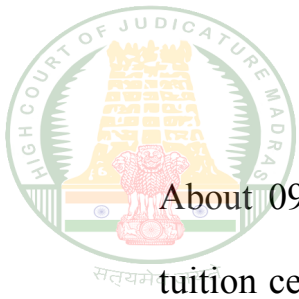
law within the time stipulated by this Court;

(b) to deploy sufficient number of police personnel for regular patrolling during night hours in patrol vehicles and two-wheelers at Y.Othakadai, Madurai District and its nearby areas to prevent the selling of drugs and other illegal activities in accordance with law within the time stipulated by this Court;

(c) to install 'CCTV Cameras' in important places in Y.Othakadai, Madurai District and its surrounding areas where the crimes are being taken place in the recent times in accordance with law within the time stipulated by this Court; and

(d) to constitute 'Special Wing' of police officials attached to the respondents 9 and 10 to take appropriate action against the persons who are involved in selling the transportation of ganja and other narcotic substances in Y.Othakadai, Madurai District and its surrounding areas in accordance with law within the time stipulated by this Court.

2. Learned counsel appearing for the petitioner would submit that on 22.04.2024, about 08.00 p.m., while the writ petitioner dropped his children in a tuition centre at Iyappan Nagar, Y.Othakadai, Madurai, about seven unknown persons gathered together near R.K.Stores in an abnormal mood by consumed alcohol and drugs. They shouted against the public and blocked the roads. Due to their atrocities, the women and children were unable to access the road.



About 09.30 p.m., while the petitioner was picking up his children from the tuition centre, said seven members damaged a car, which was parked near R.K.

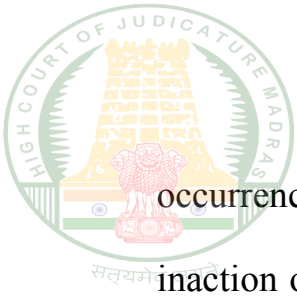
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Stores. The said gang blocked one Khan Mohammed, an auto driver and a resident of Iyappan Nagar, abused him in filthy language, kicked his bike and made him fallen down. They also assaulted him in his head with dangerous weapons and escaped from there. Thereafter, the said Khan Mohammed was admitted in Government Rajaji Medical College Hospital. He underwent first aid with 25 stitches in his head. Related to the said occurrence, a video was posted by someone in the social media which went viral. The residents of Y.Othakadai lodged several complaints before the 10th respondent to take action against the said seven persons. Due to the inaction of the police officials, the public are not willing to come forward to give complaint against the drug offenders. Most of the NDPS Act cases are registered on the basis of the complaint given by the police officials that they seized the contraband while involving in patrol. On 29.04.2024, on behalf of the political party of the petitioner co-ordinated with other political parties and traders association of Y.Othakadai, fasting agitation and one day bandh was taken place by closing down the shops and commercial establishments. However, the respondents/police have not taken any effective steps to control the moving of the drugs and the petitioner also made a detailed representation to the respondents 2, 5 6 and 9 on 01.05.2024 and requested to take action against the



drug sellers and to monitor Madurai rural areas in night rounds in regular basis, to install CCTV cameras in important places in Y.Othakadai, where the crimes are being happened in the recent times and to set up outpost at Iyyappan Nagar and Neelamega Nagar in Y.Othakadai, Madurai District, but no action has been initiated till now. Therefore, the petitioner has filed the present public interest litigation for the abovesaid relief.

3. The 7th respondent has filed a counter affidavit, contending that drug awareness programmes are conducted by the police department in schools and colleges and public places etc., against the use and supply of narcotics and effective steps are to be taken for conducting awareness programmes regularly in Madurai District. It is further submitted that on the complaint of the defacto complainant/Tr.Khan Mohammed, a criminal case in Cr.No.134/2024 under Sections 147, 427, 341, 294(b), 323, 324, 307 and 506(i) IPC, was registered in Madurai District Othakadai Police Station, against 1.Abdul Rahuman, 2.Manickamuthu, 3.Nithish @ Ottai, 4. Selvakumar @ Kamuthi Selva, 5. Manojkumar @ Poochi 6.Akash on 22.04.2023 at 21.30 hrs. All 6 accused were arrested and produced before the learned Judicial Magistrate Court, Melur, and till date, they are in judicial custody. The investigation of the case is pending. At the time of occurrence, all the accused consumed alcohol and they were in drunken mood. In this regard, CCTV footage taken near the place of



W.P(MD)No.11168 of 2024

occurrence is available. Regarding the allegation of the petitioner that due to

inaction of police officials, the public are not willing to come forward to prefer

complaint against the drug offenders, the 7th respondent has averred that in

Madurai District, as per records from 01.01.2024 till date, there are more than

8000 phone calls received by police control room from the public and as per the

secret information given by the public, police officials made a surprise check

against the drug offenders and NDPS cases were registered against them as per

law. It is further submitted that on 29.04.2024, about 09.00 a.m., fasting

agitation and shop closing agitation were conducted by some political parties

such as 'Othkadai Makkal Nalan Kakkum Kootu Iyakam' regarding some

demands, including for the arrest of accused in Othakadai PS Cr.No.134/2024.

The Deputy Superintendent of Police, Oomatchikulam Sub-Division and

Inspector of Police Othakadai Police Station convinced the protestors and hence

they withdrew the fasting agitation within a hour. It is further averred that in

Madurai District, there are 160 NDPS cases registered during the year 2023 and

66 NDPS cases are registered from 01.01.2024 to 10.05.2024. In most of the

cases, as per the confession given by the local drug sellers, whole drug sellers

were arrested in other Districts and State. In Othakdaai Police Station limit, for

the last 5 years from 2019 to April 2024, there are 49 NDPS Cases registered

and the total numbers of 78 accused were arrested, 1070.670 Kgs of contraband

were seized from the accused. In addition to this, freezing of bank account and



attaching the immovable properties of the accused, action was taken in Madurai District. History sheets were opened against the accused who are involved in NDPS cases and they are closely monitored by the special team.

4. The 7th respondent has further submitted that Madurai District Police Officers are involving in late night hours Patrol duties. In addition to this, High way patrol Vehicles-5, QRT-6, Madurai Kavalan Two Wheeler Patrol with Siren are involving in patrol duty for 24 hours, including late night hours to identify the drunken drive and to curb other illegal activities. Moreover, Madurai District Police officials are using high technical breath analysis supplied by the Government of Tamil Nadu. Further, there are totally 2919 CCTV Cameras installed and functioning in Madurai District. Totally, 109 CCTV cameras are installed and functioning in Oomathcikulam Sub-Division, including 52 CCTV cameras in Othakadai Police Station limit. Necessary instructions are given to the Station House Officers to install more CCTV Cameras at sensitive areas and a new police outpost was opened at Rajakur Apartment in Othakadai Jurisdiction. Since Iyyappan Nagar and Neelemega Nagar are located backside of Othakadai Police Station, necessary instructions are given to Deputy Superintendent of Police, Oomatchikulam Sub-Division and Inspector of Police Othkadai Police Station, to provide day and night beats to prevent crimes in Iyyappan Nagar and Neelemega Nagar. On the complaint



given by one Veeranambi, a criminal case was registered in Othakadai Police

Station Crime No.152/2024 under Sections 294(b), 324, 506(ii) IPC against two

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unknown persons. In the complaint, the defacto complainant wrongly

mentioned the registration number of the accused's vehicle as TN 59 BF 3785.

During investigation, it is found that actual offending vehicle was TN 59 BF

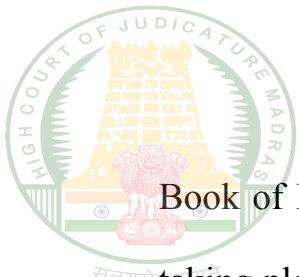
8735 and that was seized by the investigation officer on 10.05.2024 and the

accused were identified. The case is under investigation to arrest the accused.

Instructions are given to the investigation officer to arrest the accused soon and

file the final report without delay.

5. The 8th respondent has also filed a counter affidavit, contending that to ensure demand reduction, a program with the name 'Drive Against Drugs' (DAD) was launched. The program has the component viz., Mass Anti-drug abuse pledge, Awareness film, Anti-drug clubs formation in educational institutions, NSS Volunteering Program, use of social media to spread anti-drug messages. The objective of the program is to create mass awareness involving NCC and NSS volunteers on a regular basis and to create a volunteering force to support the programme. In order to create awareness amongst the students, a mass campaign was conducted by the Enforcement Bureau, Tamil Nadu, in which, 74,48,367 students/youth took the largest synchronised anti-drug pledge on the designated date (11.08.2022). The World Record Union and the Asia



Book of Records declared this mass campaign as a record of maximum people taking pledge against drug abuse on a single day.

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6. It is further submitted that so far, 18,000 Anti-drug clubs have been set up in the educational institutions. Regular Anti-drug awareness campaigns are being conducted in educational institutions, industries, shopping malls and public places. In the year 2023, a total of 1,17,407 awareness programmes were conducted addressing 34,56,224 people. The Enforcement Bureau has used social media platforms like, Instagram, Facebook and X to create awareness using anti-drug abuse messages. While invoking the provisions of the NDPS Act, in each case on its merit, sincere efforts are being taken to trace the supply chain and linkages to bring the kingpins to book. 2,486 other state accused were arrested in cases registered under the NDPS Act during the period 2021 - 2024. Apart from Ganja, 0.953 Kg of Heroin, 35.26 Ltrs and 1,239 Kg of other drugs were seized in the year 2023. Further, 11,133 tablets were seized in 2021, 63,848 tablets in 2022, 39,910 tablets in 2023 and 50,084 tablets were seized in 2024 till date. In order to inflict financial loss to drug peddlers, financial investigation has been initiated under the provisions of NDPS Act. 13 properties worth about Rs.1,43,52,957 of accused involved in NDPS Act cases have been frozen in the year 2023 in the state. In addition to freezing of the moveable and immovable assets, 7389 bank accounts pertaining to the accused



concerned in NDPS Act have been frozen under Section 102 Cr.PC in the year 2023. 16,432 accused have been bound over and security bonds have been executed, of which, 2,077 have been arrested for violation of security bonds and bound down. In the year 2023, 1331 NBWs were executed throughout the State. Further, 219 district level NCORD meetings were held from 2022 to 2024(till February) for effective co-ordination among drug enforcement agencies and other stake-holders and to serve as a platform for discussion on drug trafficking related issues.

7. It is further submitted that 1674 NDPS offenders were detained under Act 14 of 1982 from 2021 to 2024 (up to march). Further, a Circular Memorandum in C.No.132/ADGP/Cr./Camp/2023, dated 17.08.2023 was issued and circulated to all Commissioners of Police in Cities, Superintendents of Police in Districts, Prohibition Enforcement Wing Units and Narcotic Intelligence Bureau CID Unit of Tamil Nadu, regarding disposal of seized conveyances. The details of conveyance involved and seized under NDPS Act cases across the State of Tamil Nadu, have been collected. As per the data available, nearly 3719 Vehicles were seized in connection with NDPS Act cases, out of which, nearly 2730 vehicles are unclaimed. In order to ensure strict compliance of Section 52-A of NDPS Act, regarding disposal of contraband and conveyance on 24.09.2021, the Director General of Police/Head



W.P(MD)No.11168 of 2020

of the Police Force issued a Memorandum vide RC.No.86290/Crime 4(3)/2020

appointing Zone wise Drug Disposal Committee. In order to follow the entire proceedings under the NDPS Act from the date of registration of FIR till disposal of the case, as per the dictum laid down in Tana Singh's case, Nodal Officers were appointed in all the districts and cities headed by State Level Nodal Officer. For Madurai District, the Deputy Superintendent of Police, PEW, has been appointed as a Nodal Officer and for Madurai City, Assistant Commissioner of Police, PEW, has been appointed as a Nodal Officer. In order to strict compliance of Section 52-A of NDPS Act, detailed guidelines were issued to all Superintendents of Police in Districts, including Railways and all Commissioners of Police in Cities, vide C.No.132/ADGP/Cr./Camp/2023, dated 17.08.2023. The Government is also paying special attention to NDPS Cases. The Additional Chief Secretary to Government, based on a letter from the State Public Prosecutor, Chennai, sent a communication to the Director, Forensic Sciences Directorate, Forensic House, Mylapore, Chennai, vide Letter No. 17531/H, P&E(XVI)/2022-1, dated 14.10.2022, to ensure that report from concerned Laboratories are sent to the concerned Police officials within the least possible time and in any case not exceeding 10 days' time at all costs. It is further submitted that the respondents/police are taking sincere efforts to find out the reasons for acquittal and planning to initiate district-wise orientation programme through the Nodal Officers to increase the rate of conviction. In

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taking sincere efforts to reduce supply of drugs, cases are registered and seizures are made through vehicle check, train check and information-based operations. 20,323 kg in 2021. 27,208.5 kg in 2022 and 23,468.4 kg of Ganja were seized in 2023. Hence, the learned Additional Public Prosecutor submits that effective steps are being taken to prevent drug supplies and cases are being registered against the drug offenders.

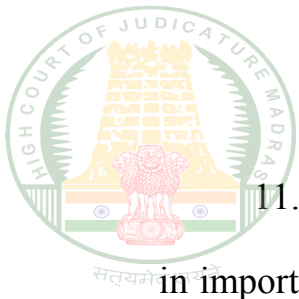
8. Learned Additional Public Prosecutor stoutly denied the allegation of the petitioner that at the time of occurrence in Y.Othakadai, all the accused were under the influence of drugs, by contending that at the time of occurrence, the accused were only under the influence of alcohol and there is also a CCTV footage to that effect and therefore, a case has been registered in Crime No. 134/2024 under the provisions of IPC and all the accused were arrested and remanded to judicial custody. Therefore, the allegation of the petitioner regarding inaction on the part of the respondents/police is falsified and the petitioner has made unnecessary allegations. Further, the very fact that the petitioner who is claiming to be a resident of Thiruvadanai Taluk, Ramanathapuram District, ventilating the grievances of Y.Othakadai areas in Madurai District, by filing this public interest litigation, itself reflects that the present writ petition is only a publicity interest litigation and not filed in larger public interest. Thus, he prayed for dismissal of the writ petition.



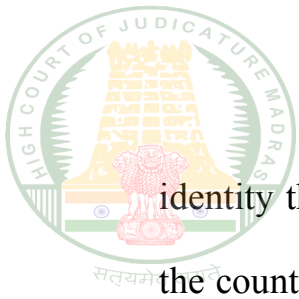
9. Heard the learned counsel for the parties and perused the materials available on record.

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10. Though the petitioner made allegation of inaction on the part of the respondents/police, admittedly, based on the complaint of the defacto complainant/Tr.Khan Mohammed, a criminal case in Cr.No.134/2024 under Sections 147, 427, 341, 294(b), 323, 324, 307 and 506(i) IPC, was registered in Madurai District Othakadai Police Station against 1.Abdul Rahuman, 2.Manickamuthu, 3.Nithish @ Ottai, 4. Selvakumar @ Kamuthi Selva, 5. Manojkumar @ Poochi 6.Akash on 22.04.2023 at 21.30 hrs. All 6 accused were arrested and produced before the learned Judicial Magistrate Court, Melur, and till date they are in judicial custody. Further, as per the counter affidavit, in Othakdaai Police Station limit, for the last 5 years from 2019 to April 2024, there are 49 NDPS Cases registered and the total numbers of 78 accused were arrested, 1070.670 Kgs of contraband were seized from the accused. In addition to this, action was taken by freezing the bank account and attaching the immovable properties of the accused in Madurai District. Apart from that, history sheets were opened against the accused who are involved in NDPS cases and they are closely monitored by a special team. Thus, the allegation of the petitioner regarding inaction on the part of the respondents/police cannot be countenanced.



11. Countering to the prayer of the petitioner to install 'CCTV Cameras' in important places in Y.Othakadai, Madurai District and its surrounding areas, where the crimes are being taken place, learned Additional Public Prosecutor submitted that there are totally 2919 CCTV Cameras installed and functioning in Madurai District, out of which, 109 CCTV cameras are installed and functioning in Oomathcikulam Sub-Division, including 52 CCTV cameras in Othakadai Police Station limit and necessary instructions are given to the Station House Officers to install more CCTV Cameras at sensitive areas and a new Police outpost has also been opened at Rajakur Apartment in Othakadai Jurisdiction. Since Iyyappan Nagar and Neelemega Nagar are located backside of Othakadai Police Station, necessary instructions have been given to the Deputy Superintendent of Police, Oomatchikulam Sub-Division and Inspector of Police Othkadai Police Station to provide day and night beats to prevent crimes in Iyyappan Nagar and Neelemega Nagar. Answering the prayer of the petitioner to deploy sufficient number of police personnel for regular patrolling during night hours in patrol vehicles and two-wheelers at Y.Othakadai, Madurai District and its nearby areas to prevent the selling of drugs and other illegal activities, it is averred by the respondents/police that Madurai District Police Officers are involving in late night hours Patrol duties. Apart from that, Highway patrol Vehicles-5, QRT-6, Madurai Kavalan Two Wheeler Patrol with Siren are involving in patrol duty for 24 hours, including late night hours, to



identity the drunken drive and to curb other illegal activities. As evident from the counter averments of the 8th respondent, several anti drug programmes have been conducted in schools, colleges industries, shopping malls and public places even through social medias to create awareness using anti-drug abuse messages.

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12. On a perusal of the counter affidavits filed by the respondents 7 and 8 coupled with the submissions made by the learned Additional Public Prosecutor, we find that all the grievances of the petitioner have been redressed by the respondents. However, having regard to the specific case of the petitioner that in residential areas of Y.Othakadai namely, Neelamegam Nagar and Iyyappan Nagar, there are atrocities of drug offenders resulting in public nuisance, abuse of public by them, the respondents are directed to ensure that effective steps are taken to control the movement of drugs in those areas through the educational institutions, public places as well as general public, by strict adherence to the provisions of NDPS Act. No doubt, from a perusal of the materials placed by the learned Additional Public Prosecutor, the Government of Tamil Nadu has taken effective steps to control the free movement of the drugs. However, we are of the view that if the police officials are more vigilant and taken effective steps, the free movement of the drugs is impossible. Therefore, the Chief Secretary to Government, Secretary to Government, Home



W.P(MD)No.11168 of 2024

Department, State of Tamil Nadu, and the Director General of Police, Chennai,

are directed to constitute a High Level Secret Committee consisting of the

officers of integrity to monitor / closely watch the police officials who are suspected to be hand in glove with the drug offenders.

13. With the above directions, the Writ Petition is disposed of. No costs.

(P.V., J.) (K.R.S., J.)
15.05.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St.George, Secretariat,
Chennai-600 009.

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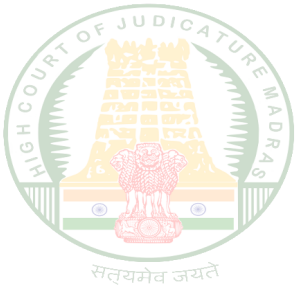
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10. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

11. The Chief Secretary to Government,
State of Tamil Nadu,
Fort St.George,
Chennai.



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12. The Secretary to Government,
Home Department,
State of Tamil Nadu,
Fort St.George,
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13. The Director General of Police,
Chennai.



W.P(MD)No.11168 of 2024

P.VELMURUGAN, J.
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