

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P. (MD) No.2569 of 2014

Mrs.Kalyani

.. Petitioner

versus

1. The District Collector & District Magistrate,
Office of the District Collector & District Magistrate,
Thiruvannamalai Town and District.
 2. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- .. Respondents

Petition filed under Article 226 of the Constitution for the issuance of a Writ of Habeas Corpus, to set aside the order of the detention order passed by the 1st respondent, dated 16.07.2014, in D.O.No.19/2014-C2 and direct the production of the detainee detained in Central Prison, Vellore, under the Act 14 of 1982, before this Court and set the detainee Karthi @ Karthikeyan, aged 24 years, at liberty.

For petitioner : Mr.R.John Sathyan

For 1st respondent : Mr.C.Emalias,
Additional Public Prosecutor

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O R D E R

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

The District Collector & District Magistrate, Thiruvannamalai, 1st respondent herein, has passed the detention order, vide D.O.No.19/2014-C2, dated 16.07.2014, clamping the petitioner's son, Karthi @ Karthikeyan, as 'Goonda'. The impugned order reads as follows;-

"WHEREAS, I, A.Gnanasekaran, I.A.S., District Collector and District Magistrate of Thiruvannamalai District, on the materials placed before me, am satisfied that Thiru.Karthi @ Karthikeyan (Age 24) (Male), S/o.Ramanikalyani, residing at Melnagar Village, Arni Taluk, Tiruvannamalai District, is a "GOONDA" as contemplated under Section 2(f) of the Tamil Nadu Act No.14 of 1982 and

Whereas the aforesaid individual is found indulging in activities prejudicial to the maintenance of public order, the details of which, are set out in detail in the Grounds of Detention.

Now, therefore, in exercise of the powers conferred by sub-section(1) of the Section 3 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act No.14/1982) read with the orders issued by the Government in G.O.(D).No.105, Home, Prohibition & Excise (XVI) Department, dated 18.04.2014, under sub-section (2) of Section 3 of the said Act, I hereby direct that the said Thiru.Karthi @ Karthikeyan (Age 24) (Male), S/o.Ramanikalyani, residing at Melnagar Village, Arni Taluk, Tiruvannamalai District, who is a "GOONDA" be detained at Central Prison, Vellore."

2. Besides assailing the impugned order on various grounds, inviting the attention of this Court to Section 2(f) of the Tamil Nadu Act 14 of 1982, which defines 'Goondas' and Full Bench judgment of this Court reported in 2011 (4) CTC 353 (ARUMUGAM V. STATE OF TAMIL NADU (FB)), followed by Honourable Division Bench judgment of this Court reported in 2012-2-L.W. (CrI.) 532 (K.BALA V. THE STATE OF TAMIL NADU & ANOTHER), learned counsel for the petitioner submitted that for the solitary act, Thiru.Karthi @ Karthikeyan, the detenu, cannot be branded as 'Goonda' under the provisions of the Act and on the sole ground, prayed to set aside the impugned order and consequently, set the detenu, Thiru.Karthi @ Karthikeyan, confined in Central Prison, Vellore, at liberty forthwith.

3. We have gone through the statutory provisions and the decisions stated supra, which squarely applicable to the facts of this case. State has not placed any material to prove that the detenu had come to adverse notice in more than one case. Following the decisions stated supra, the impugned order is liable to be set aside. Accordingly, the impugned order, dated 16.07.2014, passed

by the 1st respondent is quashed and the Habeas Corpus Petition is allowed. The Detenu is ordered to be set at liberty unless his presence is required in connection with any other case.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

skm

To

1. The District Collector & District Magistrate,
Office of the District Collector & District Magistrate,
Thiruvannamalai Town and District.
2. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
3. The Superintendent,
Central Prison,
Vellore.
4. The Additional Public Prosecutor,
High Court, Madras.
5. The Joint Secretary
(Public Law and order)
Fort St.George, Chennai-9

H.C.P.No.2569 of 2014

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