



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION (MD) No.1133 of 2014

Sevula @ Seik Alaudeen .. Petitioner

Vs.

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

2.The District Collector and
District Magistrate,
Office of the District Collector and
District Magistrate,
Ramanathapuram District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District. .. Respondents

PRAYER:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus praying to call for entire records connected with the detention order of the respondent No.2 in No.23/Goonda/2014, dated 16.09.2014 and quash the same and direct the respondents to produce the detenu namely Sevula @ Seik Alaudeen, Son of Haja Najimudeen, aged about 27 years detained in Madurai Central Prison before this Court and set him at liberty forthwith and pass such further or other orders.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Ramar, Additional Public Prosecutor.

ORDER

(Order of the Court was made by A.SELVAM, J)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to detention order passed in No.23/Goonda/2014, dated 16.09.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Sevula @ Seik Alaudeen, Son of Haja Najimudeen and quash the same and thereby set him at liberty forthwith.



2. The Inspector of Police, Keelakarai Police Station as sponsoring authority has submitted an affidavit to the detaining authority, wherein it is stated that the detenu has involved in the following adverse cases:

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(i) Crime No.44 of 2014 Keelakarai Police Station registered under Section 387 of the Indian Penal Code.

(ii) Crime No.624 of 2014 C3 S.S.Colony Crime Police Station registered under Sections 457 and 380 of the Indian Penal Code.

(iii) Crime No.638 of 2014 C3 S.S.Colony Crime Police Station registered under Sections 457 and 380 of the Indian Penal Code.

3. Further it is stated in the affidavit that on 16.07.2014 one Subbulakshmi as complainant has given a complaint in Keelakarai Police Station against the detenu and the same has been registered in Crime No.83 of 2014 under Section 302 of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

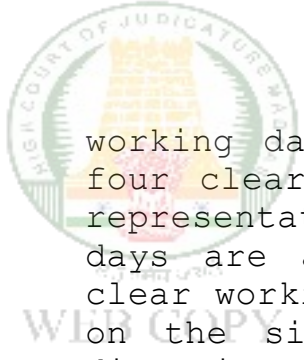
4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Goonda' by way of passing the impugned detention order and in order to quash the same, the present Habeas Corpus Petition has been filed by the detenu himself as petitioner.

5. On the side of the respondents a detailed counter has been filed, wherein it has been contended to the effect that all the averments made in the petition are false and ultimately prayed to dismiss the same.

6. The learned counsel appearing for the petitioner/detenu has contended that on the side of the petitioner/detenu two representations have been submitted and the same have not been disposed of without delay and therefore the detention order in question is liable to be quashed.

7. The learned Additional Public Prosecutor has contended that the representations submitted by the petitioner/detenu are duly considered and disposed of without delay and therefore the detention order in question does not call for any interference.

8. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that with regard to first representation in between Column Nos.7 to 9, seven clear



working days are available and in between Column Nos.12 and 13, four clear working days are available and with regard to second representation in between Column Nos.7 to 9, seven clear working days are available and in between Column Nos.12 and 13, three clear working days are available and no explanation has been given on the side of the respondents with regard to huge delay in disposing of the representations submitted by the petitioner/detenu and that itself would affect the rights of the detenu guaranteed under Article 22(5) of the Constitution of India and therefore the detention order in question is liable to be quashed.

9. In fine, this Habeas Corpus Petition is allowed and the detention order dated 16.09.2014 passed in No.23/Goonda/2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Sevula @ Seik Alaudeen, Son of Haja Najimudeen at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai - 600 009.
 - 2.The Joint Secretary to Government of Tamilnadu,
Public (Law & order) Department, Fort St.George, Chennai-9.
 - 3.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District.
 - 4.The Director General of Police, Chennai.
 - 5.The Superintendent of Police, Ramanathapuram.
 - 6.The Superintendent of Prison,
Madurai Central Prison, Madurai District.
(in duplicate to communicate to the detenu)
 - 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.R.Alagumani, Advocate, in SR. No.12058.

ORDER MADE IN

H.C.P (MD) No.1133 of 2014

11.03.2015