



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.01.2015
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION(MD)No.1170 of 2014

Subbammal,
W/o.Manimuthu,
Kumaran Nagar,
Near S.S.Crusher,
Perumanadu P.O.,
Illuppur Taluk,
Pudukkottai District.

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.

3.The Inspector of Police,
Panaiyapatti Police Station,
Pudukkottai 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 the records relating to the detention order passed by the second respondent in P.D.O.No.06/2014, dated 23.07.2014 and to quash the same and direct the respondents to produce the body of the detenu, Pandi @ Pandiarajan, aged about 27 years, before this Court and set him at liberty, now detained at Central Prison, Tiruchirappalli and pass such further or other orders.

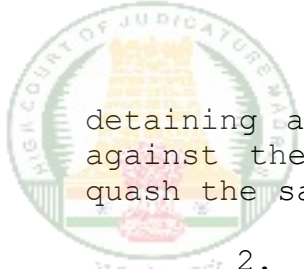
For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.A.Ramar
Addl.Public Prosecutor

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>
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 P.D.O.No.06/2014, dated 23.07.2014 by the



detaining authority, who has been arrayed as second respondent herein, against the detenu by name Pandi @ Pandiarajan, Son of Manimuthu and quash the same and thereby set him at liberty forthwith.

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

(i) Crime No.43 of 2014 on the file of Panayapatti Police Station registered under Sections 302, 506(ii) and 120 (b) of the Indian Penal Code.

(ii) Crime No.56 of 2014 on the file of Panayapatti Police Station registered under Sections 341, 294(b) and 307 of the Indian Penal Code.

(iii) Crime No.48 of 2014 on the file of Karaiyur Police Station registered under Sections 386 and 506(i) of the Indian Penal Code.

3. Further it is stated in the affidavit that on 12.06.2014 one Senthil as complainant has lodged a complaint to the Sub-Inspector of Police, Panayapatti Police Station against the detenu and the same has been registered in Crime No.57 of 2014 under Section 392 of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

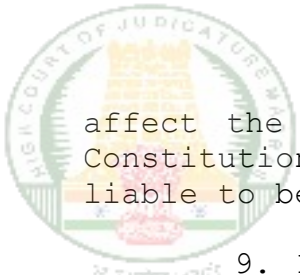
4. The detaining authority, after perusing the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Goonda' by way of passing the impugned detention order and in order to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

5. On the side of the respondents, a detailed counter has been filed, wherein it has been contended *inter alia* 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 has contended that on the side of the detenu, a representation has been given and the same has not been disposed of without delay and therefore, the detention order in question is liable to be quashed.

7. Per contra, the learned Additional Public Prosecutor has contended that the representation submitted on the side of the detenu has been duly disposed of without delay and therefore, the detention order in question is not liable to be quashed.

8. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that in between column Nos.7 to 9 six clear working days are available and in between column Nos.12 and 13 five 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 representation submitted on the side of the 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 order of detention dated 23.07.2014 in P.D.O.No.06/2014 passed by the second respondent/detaining authority is quashed and consequently, the detenu Pandi @ Pandiarajan, Son of Manimuthu is ordered to be set at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(T & P)

\\True copy\\

Sub Assistant Registrar

To

1. THE SECRETARY TO GOVERNMENT
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9
2. THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR, PUDUKKOTTAI DISTRICT,
PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE PANAIYAPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE SUPERINTENDENT CENTRAL PRISON, TIRUCHIRAPPALLI
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
6. THE JOINT SECRETARY PUBLIC (LAW & ORDER)
GOVERNMENT OF TAMIL NADU, FORT ST. GEORGE,
CHENNAI-9

+1cc to MR.D.RAMESH KUMAR, ADVOCATE SR.NO.4410

ORDER MADE IN
H.C.P (MD) No.1170 of 2014
30.01.2015

PS

NA/03/02/2015/P3/8C