



WEB COPY

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.1290 of 2014

Senthilkumar

.. Petitioner

Vs.

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

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

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 Detention Order No.06/2014/C3, dated 02.11.2014 and quash the same and direct the respondents to produce the body or person of the detenu by name Senthilkumar, Son of Raja, aged about 31 years, now 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 Detention Order No.06/2014/C3, dated 02.11.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Senthilkumar, Son of Raja and quash the same and thereby set him at liberty forthwith.

<https://hcservices.courts.gov.in/hcservices/>  
2. The Inspector of Police, Palanichettipatty 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:



(i) Crime No.556 of 2012 Palanichettipatty Police Station registered under Section 392 of the Indian Penal Code.

(ii) Crime No.166 of 2013 Allinagaram Police Station registered under Sections 457 and 380 of the Indian Penal Code.

(iii) Crime No.445 of 2013 Theni Police Station registered under Section 392 of the Indian Penal Code.

(iv) Crime No.283 of 2013 Palanichettipatty Police Station registered under Section 397 of the Indian Penal Code.

(v) Crime No.154 of 2014 Palanichettipatty Police Station registered under Sections 454 and 380 of the Indian Penal Code.

(vi) Crime No.223 of 2014 Palanichettipatty Police Station registered under Section 392 of the Indian Penal Code.

3. Further it is stated in the affidavit that on 27.09.2014 one Balu @ Baluchamy as complainant has lodged a complaint in Palanichettipatty Police Station against the detenu and the same has been registered in Crime No.663 of 2014 under Section 397 of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

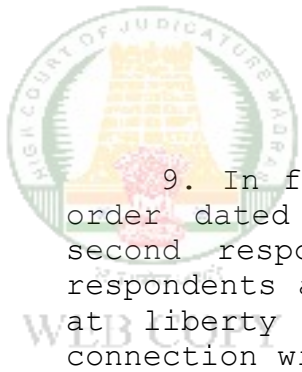
4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Goonda' by way of passing the impugned detention order and in order 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 all the representations submitted by the petitioner/detenu are duly considered and disposed of without delay and therefore the detention order in question does not require 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, five clear working days are available and in between Column Nos.12 and 13, three clear working days are available and with regard to second representation in between Column Nos.7 to 9, ten clear working days are available and in between Column Nos.12 and 13, two clear working days are available and no explanation has been given on the side of the respondents with regard to inordinate 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 02.11.2014 passed in Detention Order No.06/2014/C3 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Senthilkumar, Son of Raja at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/  
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
State of Tamil Nadu, Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,  
Theni.
3. The Joint Secretary to the Government,  
Public (Law & Order) Fort St. George, Chennai - 600 009.
4. The Director General of Police, Mylapore, Chennai - 4.
- 5.The Superintendent of Prison, Madurai Central Prison,  
Madurai District. (In duplicate to communicates to the detenu)
6. The Superintendent of Police, Theni District.
7. The Inspector of Police,  
Palanichettipatty Police Station, Theni District
- 8.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.Alagumani, Advocate in SR.No. 12061

TS/13.03.2015/3P-11C

ORDER MADE IN  
H.C.P (MD) No.1290 of 2014

11.03.2015