



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION(MD)No.1300 of 2014

Nehrupandi

..Petitioner

Vs.

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli 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 passed by the second respondent in No.56/BDFGISSV/2014, dated 30.10.2014 and quash the same and direct the respondents to produce the body or person of the detenu by name Nehrupandi, Son of Ayyavu Thevar, aged about 36 years, now detained in Palayamkottai 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.56/BDFGISSV/2014, dated 30.10.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Nehrupandi, Son of Ayyavu Thevar and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, C2 Subramaniapuram 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.47 of 2014 Theni District, Andipatti Police Station registered under Sections 3 and 25(1-B) Arms Act, 1959.

(ii) Crime No.341 of 2014 B3 Teppakulam (Crime) Police Station registered under Sections 392 read with 397 and 506(ii)



of the Indian Penal Code.

3. Further it is stated in the affidavit that on 27.09.2014 one Sethu as complainant has given a complaint to the Inspector of Police, C2 Subramaniapuram Police Station against the detenu and the same has been registered in Crime No.899 of 2014 under Sections 392 read with 397 and 506(ii) 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 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 has contended that on the side of the petitioner/detenu four representations have been submitted and the same are not 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 on the side of 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.12 and 13, two clear working days are available, with regard to second representation in between Column Nos.12 and 13, two clear working days are available, with regard to third representation in between Column Nos.12 and 13, two clear working days are available, with regard to fourth representation in between Column Nos.12 and 13, two clear working days are available and further, in all the representations with regard to Column Nos.15 and 16, four clear working days are available and no explanation has been given on the side of the respondents with regard to such delay in disposing of the representations submitted on the side of the petitioner/detenu and that itself would affect his rights 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 passed in No.56/BDFGISSV/2014, dated 30.10.2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Nehrupandi, Son of Ayyavu Thevar at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. THE SECRETARY TO GOVERNMENT

HOME, PROHIBITION AND EXCISE DEPARTMENT,
<https://hcservices.ecourts.gov.in/hcservices/>
STATE OF TAMILNADU, FORT ST.GEORGE,
CHENNAI - 600 009.



2. THE COMMISSIONER OF POLICE
OFFICE OF THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI.
3. THE SUPERINTENDENT OF PRISON
PALAYAMKOTTAI CENTRAL PRISON,
TIRUNELVELI DISTRICT.
(IN DUPLICATE TO COMMUNICATE THE DETENUE)
4. THE JOINT SECRETARY TO GOVT.,
PUBLIC (LAW & ORDER),
FORT ST.GEORGE, CHENNAI-9.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.R.Alagumani, Advocate in SR.16069

H.C.P (MD) No.1300 of 2014
30.03.2015

ps
PBK 31/03/2015 ::3P-8C: