



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.04.2015

Coram

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P. (MD) No.1304 of 2014

LTTE Raja @ Rajan

.. Petitioner

Vs.

1.The Secretary to Government,
Public (Law & Order-F) Department,
State of Tamilnadu, Secretariat, Chennai - 9.

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

3.The Secretary to the Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 110 001.

4.The Superintendent of Prison,
Madurai Central Prison, Madurai.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for entire records pertaining to the impugned detention order passed by the 2nd respondent in Cr.M.P.No.8/NSA/2014 dated 06.11.2014 and quash the same and direct the respondents to produce the body or person of the detenu namely LTTE Rajan @ Rajan S/o.Domenic aged about 48 years, detained in Madurai Central Prison before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents

1, 2 & 4 : Mr.C.Ramesh

Addl.Public Prosecutor

For R - 3 : Mr.G.Rajaraman (CGSC)

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 the detention order passed in Cr.M.P.No.8/NSA/2014 dated 06.11.2014 against the detenu by name LTTE Rajan @ Rajan by the detaining authority who has been arrayed as second respondent herein and quash the same and thereby set him at liberty forthwith.



2. The Inspector of Police, Q-Branch CID, Ramanathapuram as sponsoring authority has submitted an affidavit to the detaining authority, wherein it is stated that on 28.05.2014 he and others have conducted a patrol in Arichalmunai Seashore and found that the detenu is in possession of 49 bags of ganja and consequently a case has been registered in Crime No.37 of 2014 under Sections 8(c)r/w 20(b)(ii)(C) and 25 of NDPS Act, 1985 and ultimately requested the detaining authority to pass necessary detention order so as to detain the detenu under National Security Act.

3. The detaining authority after considering the averments made in the affidavit and other connected documents has derived subjective satisfaction and ultimately passed the detention order in question under National Security and in order to quash the same, the detenu himself has filed the present Petition.

4. Despite of several adjournments, the respondents 1, 2 and 4 have not filed counter.

5. In the counter filed on the side of the third respondent it is stated that a representation has been received from the detenu and after receipt of the same, the State Government has been directed to submit English translation and so far, the State Government has not sent the same.

6. The learned counsel appearing for the petitioner has contended that the petitioner/detenu has sent three representations to the State Government and the same have been rejected very belatedly and further, proper response has not been shown by the State Government in submitting English translation to Central Government and therefore the detention order in question is liable to be quashed.

7. It is seen from the records that in the counter filed on the side of the third respondent it has been clearly stated to the effect that after receipt of representation from the petitioner /detenu, the State Government has been directed to submit translated English version. But so far, the same has not been submitted.

8. Further it is seen from the records that all the representations submitted on the side of the petitioner/detenu are rejected.

9. Considering the aforesaid circumstances, it is needless to say that the representations submitted by the petitioner/detenu either to the Central Government or to State Government has not been properly disposed of and on that ground alone, the entire detention order in question is liable to be quashed.

10. In fine, this Habeas Corpus Petition is allowed and the detention order dated 06.11.2014 passed in Cr.M.P.No.8/NSA/2014 by the detaining authority/second respondent herein is quashed and the detenu by name LTTE Rajan @ Rajan is ordered to be set at liberty forthwith, unless he is required to be incarcerated in any other case.

Sd/
Assistant Registrar



To

- 1.The Secretary to Government,
Public (Law & Order-F) Department,
State of Tamilnadu,
Secretariat, Chennai - 9.
- 2.The District Collector and Magistrate,
Ramanathapuram District,
Ramanathapuram.
- 3.The Secretary to the Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 110 001.
- 4.The Superintendent of Prison,
Madurai Central Prison, Madurai. (In duplicate to communicate the detenu)
5. The Joint Secretary to the Government,
Public (Law & Order) Fort St. George,
Chennai - 600 009.
- 6.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.Alagumani Advocate in SR.No. 17724

+1cc to M/S.G.Rajaraman, Advocate in SR.No. 17189

TS/10.04.2015/3P-10C

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