



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2015

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

H.C.P. (MD) No.1537 of 2014

Ragava Anantham

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai - 9.

2.The District Collector & District Magistrate,
Ariyalur District, Ariyalur.

.. 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 his proceedings in Cr.M.P.No.20/2014 dated 24.12.2014 in detaining the detenu under Section 2(f) of Tamilnadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely Rajangam S/o.Santhosham, Male, aged about 55 years, now detained in Central Prison, Tiruchirapalli before this Court and set him at liberty.

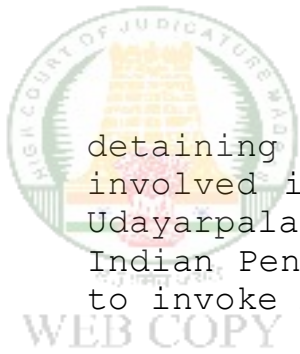
For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.C.Ramesh, Addl.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 the detention order passed by the detaining authority in Cr.M.P.No.20/2014 dated 24.12.2014 against the detenu by name Rajangam S/o.Santhosham and quash the same and thereby set him at liberty forthwith.



detaining authority, wherein it is stated that the detenu has involved in the ground case registered in Crime No.223 of 2014 - Udayarpalayam Police Station under Sections 307 and 302 of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

3. 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 '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 son of the detenu as petitioner.

4. On the side of the respondents 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.

5. The learned counsel appearing for the petitioner has contended that on the side of the detenu a representation has been submitted and the same has not been disposed of without delay and therefore, the detention order in question is liable to be quashed.

6. 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.

7. On the side of the respondents, a proforma has been submitted, wherein it has been clearly stated that in between column Nos.7 and 9, 11 clear working days are available and in between column Nos.12 and 13, 15 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 and that itself would affect 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.

8. In fine, this Habeas Corpus Petition is allowed and the detention order dated 24.12.2014 passed in Cr.M.P.No.20/2014 by the detaining authority/second respondent herein is quashed and the detenu by name Rajangam is ordered to be set at liberty forthwith, unless he is required to be incarcerated in any other case.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/



To

- 1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector & District Magistrate,
Ariyalur District, Ariyalur.
- 3.The Superintendent, Central Prison, Trichy.
[in duplicate to communicate the detenu]
- 4.The Joint Secretary to Government of Tamilnadu,
Public (Law & Order) Department, Fort St.George, Chennai-9.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.M.Karunakaran, Advocate, in SR. No.17006.

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