



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.04.2015

Coram

**THE HONOURABLE MR.JUSTICE A.SELVAM**

**and**

**THE HONOURABLE MR.JUSTICE V.S.RAVI**

H.C.P. (MD) No.1539 of 2014

Regiya Begam

.. Petitioner

Vs.

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

2.The District Collector & District Magistrate,  
Thiruvarur District, Thiruvarur. .. 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 2<sup>nd</sup> respondent in his proceedings in C.O.C.No.25/2014 dated 14.12.2014 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 Raguman S/o.Sahulhameed, Male, aged about 22 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 C.O.C.No.25/2014 dated 14.12.2014 against the detenu by name Raguman S/o.Sahulhameed and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Koothanallur 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:

<https://hcservices.ecourts.gov.in/hcservices/>

(i) Crime No.261 of 2013 - Koradacherry Police Station,  
registered under Sections 392 of the Indian Penal Code @ 341, 392



of the Indian Penal Code.

(ii) Crime No.502 of 2013 - Tiruvarur Town Police Station, registered under Sections 457 and 380 of the Indian Penal Code.

(iii) Crime No.686 of 2013 - Tiruvarur Taluk Police Station, registered under Section 379 of the Indian Penal Code.

(iv) Crime No.688 of 2013 - Tiruvarur Taluk Police Station, registered under Section 392 of the Indian Penal Code.

Further it is stated in the affidavit that on 27.11.2014, one Panneerselvam as complainant has given a complaint to the Sub Inspector of Police, Koothanallur Police Station and the same has been registered in Crime No.353 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.

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 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.

4. 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.

5. The learned counsel appearing for the petitioner has contended that on the side of the 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.

6. The learned Additional Public Prosecutor has contended that the representations submitted on the side of the detenu have been duly disposed of without delay and therefore, the detention order in question does not call for any interference.

7. On the side of the respondents, a proforma has been submitted, wherein it has been clearly stated to the effect that with regard to first representation in between column Nos.7 to 9, 5 clear working days are available and in between column Nos.12 and 13, 10 clear working days are available and with regard to second representation in between column Nos.7 to 9, 8 clear working days are available and in between column Nos.12 and 13, 12 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 representations submitted on the side of the 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.

8. In fine, this Habeas Corpus Petition is allowed and the detention order dated 14.12.2014 passed in C.O.C.No.25/2014 by the detaining authority/second respondent herein is quashed and the detenu by name Raguman is ordered to be set at liberty forthwith, unless he is required to be incarcerated in any other case.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar



1. THE SECRETARY TO GOVERNMENT  
HOME, PROHIBITION AND EXCISE DEPARTMENT, SECRETARIAT, CHENNAI.

2. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, THIRUVARUR DISTRICT,  
TIRUVARUR.

3. THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI  
(IN DUPLICATE TO COMMUNICATE THE DETENUE)

4. THE JOINT SECRETARY TO GOVT.  
PUBLIC (LAW & ORDER) FORT ST.GERGE, CHENNAI-9

5. THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1cc TO MR.K.M.KARUNAKARAN, ADVOCATE SR.NO.17007

H.C.P. (MD) No.1539 of 2014  
06.04.2015

MJ  
NA/07/04/2015/P3/8C