



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 13.10.2015**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**  
**and**

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

**H.C.P(MD)No.1271 of 2015**

Saraswathi

.. Petitioner

Vs.

1.The State of Tamilnadu rep. by,  
The Secretary to Government,  
Home, Prohibition & Excise Department,  
Fort. St. George, Secretariat,  
Chennai-600 009.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in Cr.M.P.No.11/2014, dated 02.12.2014 on the file of the 2nd respondent herein and set-aside the same as illegal and direct the Respondents to produce the body or person of the petitioner's son, namely, Parameswaran, S/o.Kaliappan, aged about 34 years, who is detained in Central Prison, Trichirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.T.Mohan, Additional Public Prosecutor.

**ORDER**

[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner has come up with this petition, challenging the detention of one Mr.Parameswaran, S/o.Kaliappan, by the second respondent in his proceedings in Cr.M.P.No.11 of 2014 dated 02.12.2014, under Tamil Nadu Act 14 of 1982, branding him as 'Sand Offender'.

2. Earlier the petitioner filed a similar petition in H.C.P.(MD).No.1155 of 2014 and the same was dismissed by this Court by the order dated 24.07.2015. The present petition is the second one. In this regard, according to the learned counsel, two fresh grounds have been raised. The first ground is that the petitioner was not supplied with copies of the Mahazar, Observation Mahazar, etc., in the similar case which was considered by the Detaining Authority for arriving at the satisfaction that there was likelihood of the detenu coming out on bail. The learned counsel relies on the judgment of this Court in **Jothi vs. The Secretary to Government and another**.



**reported in 2012-2-LW.(Cr1.)-527.** In that judgment in Paragraph No.17, a Division Bench of this Court has said that in order to enable the detenu to make effective representation against the Detaining Authority, all the relevant materials relating to the similar cases referred to by the Detaining Authority, should be furnished. In this case, the FIR, arrest memo, remand order, the bail application and the bail order, in connection with the similar case, have been furnished. These documents would be put the petitioner on notice, to verify whether it was a similar case or not. In the judgment cited supra, this Court has not said that each and every document should be furnished to the detenu, in connection with the similar case, to make effective representation. This Court has only said that the documents, which referred to in the detention order should be given. Herein, in this case, the Detaining Authority had referred to the FIR, complaint, arrest memo, remand order, the bail application and the order of bail granted by the Court in the similar case. These copies have been furnished and that would be suffice to the petitioner to make effective representation. Therefore the first ground is rejected.

3. The second ground is that there was two representations made by the petitioner. One was to the Detaining Authority and the other was to the Government, on the same day. According to him, the representation sent to the Government has been considered and not the one sent to the Detaining Authority. It is not, as though, both the representations were different, but, they were one and the same. Further, the records reveal that the representation submitted before the Detaining Authority was also sent to the Government and both have been considered and rejected by the Government. Thus, we find no ground to set aside the impugned order.4

4. In the result, this Habeas Corpus Petition is dismissed.  
Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government, Home, Prohibition & Excise Department,  
Fort. St. George, Secretariat, Chennai-600 009.
- 2.The District Collector & District Magistrate,  
Karur District, Karur.
3. The Joint Secretary to Government,  
Public (Law and Order), Fort St.George, Chennai -9.
- 4.The Superintendent of Central Prison,  
Central Prison, Tiruchirappalli.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.A.S.Prabhu, Advocate Sr.No.61299

akm/28.10.2015 /2p-7c/

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

ORDER MADE IN  
**H.C.P (MD) No.1271 of 2015**  
**13.10.2015**