



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 23.02.2015

CORAM:

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

**and**

**THE HONOURABLE MR.JUSTICE T.MATHIVANAN**

HABEAS CORPUS PETITION (MD) No.901 of 2014

Anandavalli

.. Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. By the Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George,  
Chennai - 9.

2.The District Collector and  
District Magistrate,  
Madurai District,  
Madurai - 20.

3.The Inspector of Police,  
Avaniapuram Police Station,  
Madurai - 12.

.. 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 the records relating to the detention order passed by the second respondent in C.M.P.No.18 of 2014, dated 12.07.2014 and to quash the same and direct the respondents to produce the body of the detenu, Veerasamy, Son of Thavamani, aged about 30 years, now detained at Central Prison, Madurai before this Court and set him at liberty and pass such further or other orders.

For Petitioner : Mr.S.Kanagarajan

For Respondents : Mr.A.Ramar,  
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 detention order passed in C.M.P.No.18 of 2014, dated 12.07.2014 by the second respondent herein against the detenu by name Veerasamy, Son of



Thavamani and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Avaniapuram 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.118 of 2012 Avaniapuram Police Station registered under Sections 454 and 380 of the Indian Penal Code.

(ii) Crime No.380 of 2012 Avaniapuram Police Station registered under Section 379 of the Indian Penal Code.

(iii) Crime No.582 of 2012 Avaniapuram Police Station registered under Sections 454 and 380 of the Indian Penal Code.

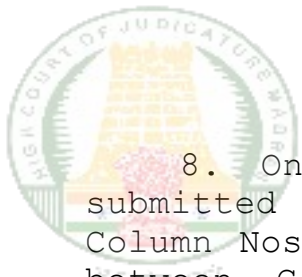
3. Further it is stated in the affidavit that on 10.06.2014 one K.Siva as a complainant has given a complaint in Avaniapuram Police Station against the detenu and the same has been registered in Crime No.562 of 2014 under Sections 387 and 506(ii) of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

4. The detaining authority after perusing the averments made in the affidavit coupled with 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.

5. On the side of the respondents a detailed 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 detenu a representation has been given and the same has not been 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 the representation submitted on the side of the detenu has been 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 in between Column Nos.7 to 9, seven clear working days are available and in between Column Nos.12 and 13, three 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 representation submitted on the side of the detenu and that itself would affect the 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.

9. In fine, this Habeas Corpus Petition is allowed and the detention order dated 12.07.2014 passed in C.M.P.No.18 of 2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Veerasamy, Son of Thavamani at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai - 9.
- 2.The District Collector and  
District Magistrate,  
Madurai District, Madurai - 20.
- 3.The Inspector of Police,  
Avaniapuram Police Station,  
Madurai - 12.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- 5.The Superintendent, Central Prison, Madurai  
(Copy to be communicated to the detenue)  
+One cc to Mr.S.Kanagarajan, Advocate, SR.No.8568

ps

RL/ 8c- 26/2/2015

ORDER MADE IN  
H.C.P (MD) No.901 of 2014  
23.02.2015