



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.06.2015

Coram

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

H.C.P. (MD) No.151 of 2015

Pavithra

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamilnadu,
Secretariat, Chennai - 600 009.

2.The District Collector & District Magistrate,
O/o.District Collector & District Magistrate,
Ramanathapuram District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the entire records connected with the detention order of the respondent No.2 in No.26/Goonda/2014 dated 23/12/2014 and Quash the same and direct the Respondents to produce the body or person of the detenu by name Karuppu @ Karuppaiah S/o.Tharmaraj, aged about 30 years, now detained in Madurai, Central Prison before this Honourable Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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 in No.26/Goonda/2014 dated 23/12/2014 by the detaining authority who has been arrayed as second respondent herein against the detenu by name Karuppu @ Karuppaiah S/o.Tharmaraj and quash the same and thereby set him at liberty forthwith.



2. The Inspector of Police, Uchipuli Police Station as sponsoring authority has submitted an affidavit to the detaining authority, wherein it is stated that on 09.09.2014 the detenu has committed an offence punishable under Tamilnadu Mines and Mineral Concession Rule 36 A(1) and the concerned Revenue Divisional Officer has fined the detenu to the tune of Rs.26,120/-.

3. Further it is stated in the affidavit that on 18.11.2014 one Panneer Selvam S/o.Ulagu as complainant has lodged a complaint in Uchipuli police station against the detenu and the same has been registered in Crime No.292 of 2014 under Sections 326 and 307 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 considering the averments made in the affidavit and other connected documents has derived subjective satisfaction to the effect that the detenu is a 'professional 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 wife of the detenu as petitioner.

5. 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.

6. 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.

7. The learned Additional Public Prosecutor has contended that the representations submitted on the side of the detenu are duly 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 with regard to first representation in between column Nos.7 to 9, 7 clear working days are available and in between column Nos.12 to 13, 9 clear working days are available and with regard to second representation in between column Nos.7 to 9, 4 clear working days are available and in between column Nos.12 to 13, 9 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 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.

9. In fine, this Habeas Corpus Petition is allowed and the detention order dated 23.12.2014 passed in No.26/Goonda/2014 by the detaining authority/second respondent herein is quashed and the detenu by



name Karuppu @ Karuppaiah is ordered to be set at liberty forthwith, unless he is required to be incarcerated in any other case.

WEB COPY

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamilnadu,
Secretariat, Chennai - 600 009.
2. The Joint Secretary to the Government,
Public (Law & Oder), State of Tamil Nadu Fort St.George, Chennai - 9
- 3.The Director General of Police, Chennai.
- 4.The District Collector & District Magistrate,
O/o.District Collector & District Magistrate,
Ramanathapuram District.
5. The Inspector General of Prisons, Chennai - 600 010.
- 6.The Superintendent of Prison,
Madurai Central Prison, Madurai District.
7. The Superintendent of Police, Ramanathapuram.
- 8.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.ALAGUMANI, Advocate, in SR. No. 29066.

TS/11.06.2015/3P-10C

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