



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:07.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.552 of 2015

Sudali .. Petitioner/Wife of Detnue
Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai-9.

2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Manur Police Station,
Tirunelveli District.

4.The Superintendent of Central Jail,
Palayamkottai,
Tirunelveli District.

.. Respondents/Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the records in M.H.S.Confdl.No.42/2015, dated 05/04/2015 from the 2nd Respondent and set-aside the detention order passed by the 2nd Respondent and confirmed by the 1st Respondent against the petitioner's husband and direct the 4th Respondent to set at liberty of the petitioner's husband Ganesan, aged at 35 years, Son of Muthusamy Pillai, from the Central Jail, Palayamkottai.

For Petitioner : Mr.P.Ramasamy

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

O R D E R

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

The petitioner is the wife of the detenu Mr.Ganesan S/o.Muthusamy Pillai, aged at 35 years, who has been detained under the Tamil Nadu Act 14 of 1982 by the order of the second respondent in his proceedings in M.H.S.Confdl No.42/2015, dated 05.04.2015, branding him as a "Goonda". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.



2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner would focus his arguments on the ground that neither in the adverse cases nor in the ground case, the detenu had never moved any application for bail and still the Detaining Authority had come to the conclusion that there was real possibility for him to come out on bail in all these cases. The learned counsel would point out that this subjective satisfaction said to have been arrived at by the Detaining Authority is wholly baseless.

4. The learned Additional Public Prosecutor is not in a position to dispute in the above fact.

5. We have considered the above submissions.

6. Admittedly, there was no application filed for bail in any of the cases by the detenu. When that be so, it is strange as to how the Detaining Authority has come to the satisfaction that the detenu would file an application for bail and come out on bail. Thus, the satisfaction of the Detaining Authority that there was real possibility that the detenu would come out on bail is baseless and therefore, the detention order is liable to be set aside.

7. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his Proceedings in M.H.S.Confdl.No.42/2015, dated 05/04/2015, is quashed. The detenu, by name, Ganesan, aged at 35 years, Son of Muthusamy Pillai, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

PJL/RR

To

1.The Principal Secretary to Government,
Home Department and Excise Department,
Secretariat, Fort St. George, Chennai-9.



2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Manur Police Station,
Tirunelveli District.

4.The Superintendent of Central Jail,
Palayamkottai,
Tirunelveli District.
(With copies communicate the detenu)

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

6.The Joint Secretary,
Public Law & order Fort St George, Chennai-600 009

ORDER MADE IN
H.C.P (MD) No.552 of 2015
07.09.2015

RG.10.09.2015/AAL/MPA/SAR-II 3P/8C.