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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.593 of 2015

P.Nambi Natchiar

.. Petitioner

Vs.

1. The State rep. by

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

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

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

.. 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 relating to the Detention order passed by the 2nd respondent in M.H.S.Confdl.No.14/2015, dated 15.2.2015 and to quash the same and direct the respondents to produce the body of the detenu, Iyyappan @ Manikandan, aged 26 years, son of Paramasivathevar, before this Court and set him at liberty now detained in Central Prison, Palayamkottai.

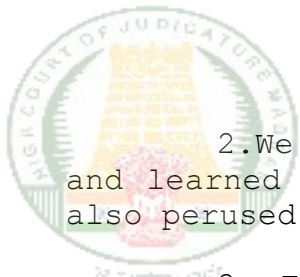
For Petitioner : Mr. S.R.A.Ramachandran

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 mother of the detenu, namely Iyyappan @ Manikandan, aged 26 years, son of Paramasivathevar. The detenu has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the second respondent in his proceedings in M.H.S.Confdl.No.14/2015, dated 15.02.2015 branding him as "Goonda". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.



2. We have heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the State. 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 the so called subjective satisfaction said to have been arrived at by the Detaining Authority that there was real possibility of the detenu coming out on bail is not based on any material. He would further point out that as mentioned in paragraph No.6 of the detention order, the detenu had not moved any application before any Court for bail.

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. It is crystal clear that in Crime Nos.188/2012, 191/2012, 192/2012, 193/2012 and 161/2013, the detenu had not filed any application for bail before any Court. If that be so, it is strange as to how the Detaining Authority had come to the satisfaction that there was real possibility of the detenu coming out on bail.

7. In our considered view, the said satisfaction is based on no material. Therefore the detention order is liable to be set aside.

8. 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.14/2015, dated 15.02.2015, is quashed. The detenu, namely, Iyyappan @ Manikandan, aged 26 years, son of Paramasivathevar, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

- To
1. The Secretary to Government, Home, Prohibition and Excise Department, Fort St. George, Secretariat, Chennai -9.
 2. The District Collector and District Magistrate, Tirunelveli, Tirunelveli District.
 3. The Inspector of Police, Nanguneri Police Station, Nanguneri, Tirunelveli District.
 4. The Superintendent of Prison, Central Prison, Palayamkottai, Tirunelveli District, (in duplicate to communicate the detenu)
 5. The Joint Secretary, Government of Tamil Nadu, Public (Law & order) Department, Fort St. George, Chennai.
 6. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+lcc to M/S. S.R.A.Ramachandran, Advocate in SR.No 52701

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ORDER MADE IN
H.C.P (MD) No.593 of 2015
08.09.2015