



WEB COPY

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.603 of 2015

E.Ganesan

.. Petitioner

Vs.

1. The District Collector cum District Magistrate,
Tirunelveli,
Tirunelveli District.

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

3.The Inspector of Police,
Thalaiyuthu Police Station,
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 in M.H.S.Confdl.No. 18/2015, dated 08.03.2015 and set aside the same and direct the respondents herein to produce the detenu, Arunkumar, aged 25 years, S/o.Ganesan, who has been termed as GOONDA now confined in Central Prison, Palayamkottai before this Court and set the detenu at liberty.

For Petitioner : Mr.P.Rajkumar

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 father of the detenu, namely Arunkumar, aged 25 years. The detenu has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the first respondent in his proceedings in M.H.S.Confdl.No.18/2015, dated 08/03/2015 termed 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 would come 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 No.72 of 2015, 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 first respondent, in his proceedings in M.H.S.Confdl.No.18/2015, dated 08.03.2015, is quashed. The detenu, namely, Arunkumar, aged 25 years, S/o.Ganesan, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

PJL

To

1. The District Collector cum District Magistrate,
Tirunelveli, Tirunelveli District.

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



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

4.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli District.
(In duplicate to communicate the detenu)

5.The Joint Secretary to Government
Public (Law & Order) Fort St., George, Chennai-600 009.

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

+1cc to MR. P.Rajkumar, Advocate Sr NO.53214

ORDER MADE IN
H.C.P (MD) No.603 of 2015
08.09.2015

RG.11.09.2015/GSV/PM/SAR-II 3P/9C.