



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.646 of 2015

Chellapandi

.. Petitioner

Vs.

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.

2.The Commissioner of Police,
Madurai City, Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for records pertaining to the proceedings of the 2nd respondent made in his proceedings No.36/BCDFGISSSV/2015, dated 9.3.2015, and quash the same and set the petitioner's son by name Periyasamy S/o.Chellapandi aged about 27 years" at liberty from Central Prison, Madurai.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.C.Ramesh

Additional Public Prosecutor.

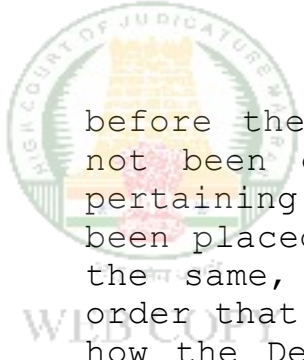
ORDER

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

The petitioner is the father of the detenu namely, Periyasamy, aged about 27 years, who has been detained under the Tamil Nadu Act 14 of 1982 by the order of the second respondent, in his proceedings in No.36/BCDFGISSSV/2015, dated 09.03.2015, 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 the learned Additional Public Prosecutor for the respondents and we have also perused the records carefully.

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner would mainly focus his argument on the ground that the Detaining Authority has submitted before the Court, vide, P.R.C.No.49 of 2014, however, the relevant records relating to the same, had not been placed



before the counter filed by the second respondent. The same has not been disputed. Thus, it is crystal clear that the records pertaining to final report filed in P.R.C.No.49 of 2014 had not been placed before the Detaining Authority. Even in the absence of the same, the Detaining Authority has stated in the detention order that such final report has been filed. It is not known as to how the Detaining Authority had come to such a conclusion in the absence of such documents. This shows the total non application of mind on the part of the Detaining Authority. In such view of the matter, the detention order is liable to be set aside.

5. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his Proceedings in No.36/BCDFGISSSV/2015, dated 09.03.2015, is quashed. The detenu, by name, Periyasamy, S/o.Chellapandi, aged about 27 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.
2. The Joint Secretary to Government,
Public (Law & Order) Department,
St.George, Chennai-9
3. The Commissioner of Police,
Madurai City, Madurai.
4. The District Collector, Madurai.
5. The Superintendent of Prison,
Central Prison,
Madurai. (Duplicate for Communicate to the detenu)
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

PJL

TE/AN-MP/ 23/09/2015 2P/8C