



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2015**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No.688 of 2015

L.Ramalakshmi

.. Petitioner

Vs.

1. State of Tamilnadu

represented by the Secretary, to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.

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

3.The Superintendent of Prison,
Central Prison, Palayamkottai,
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 entire records of detention order passed in M.H.S.Confdl No.35 of 2015, dated 25.03.2015 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the person or body of the petitioner's husband namely Lakshmanan, S/o.Shanmugasundara Thevar, aged about 35 years, before this Court and set him at liberty from Central Prison, Palayamkottai.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.T.Mohan, Additional Public Prosecutor.

ORDER

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

The petitioner is the wife of Mr.Lakshmanan, S/o.Shanmugasundara Thevar, aged at 35 years. He has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the second respondent in M.H.S.Confdl No.35 of 2015, dated 25.03.2015 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.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner would submit that the



subjective satisfaction arrived at by the Detaining Authority is that there was real possibility of the detenu coming out on bail and it was based on no material and thus, the so called satisfaction arrived at by the Detaining Authority is arbitrary. In order to substantiate the said contention, the learned counsel would point out that as against the detenu, there was two adverse cases and one ground case. In the first adverse case, in Crime No.153 of 2014, the detenu had moved an application for bail and he was granted bail. So far as the second adverse case in Crime No.33 of 2015 and the ground case in Crime No.39 of 2015 are concerned, there was no bail application filed by the detenu at all, but still, the Detaining Authority has held that there was real possibility of the detenu coming out on bail, in future, if he files bail applications in the above cases. This satisfaction arrived at by the Detaining Authority, in our considered view, is not based on any material. When there was no bail application at all moved, there was no possibility for the detenu to come out on bail. In such view of the matter, the detention order is liable to be set aside.

4. 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.35 of 2015 dated 25.03.2015 is quashed. The detenu, namely, Lakshmanan, S/o. Shanmugasundara Thevar, aged 35 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 (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary, to Government, Home, Prohibition and Excise Department, Fort St. George, Chennai-9.
2. The District Collector and District Magistrate, Tirunelveli District.
3. The Superintendent of Prison, Central Prison, Palayamkottai, Tirunelveli District.
(In Duplicate for communication to detenu)
4. The Joint Secretary to Government, Public (Law and Order), Fort St. George, Chennai -9.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.K.Sudalaiyandi, Advocate Sr.No.51994

akm/09.09.2015 /2p-8c/

ORDER MADE IN
H.C.P (MD) No. 688 of 2015
04.09.2015