



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.711 of 2015

Antony

.. Petitioner

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,
O/o.the District Collector and District Magistrate,
Kanniyakumari District.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
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, connected with the detention order of the respondent No.2 in P.D.No.22/2015 dated 09.05.2015 and quash the same and direct the respondents to produce the body or person of the detenu, by name Antony, S/o.Mahalingam, aged about 39 years, now detained at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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

ORDER

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

The petitioner is the detenu namely, Antony, S/o.Mahalingam, aged at 39 years, who has been detained under the Tamil Nadu Act 14 of 1982 by the order of the second respondent, in his proceedings in P.D.No.22/2015, dated 09.05.2015, branding him as a **"Drug Offender"**. 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.

<https://hcservices.ecourts.gov.in/hcservices/> 3. Although several grounds have been raised in this petition, the learned counsel for the petitioner would submit that the petitioner had not filed any application seeking bail before any



Court in Crime No.227 of 2015, but, still, the Detaining Authority has stated that there was every real possibility of the detenu to come out on bail. This, according to the learned counsel, is totally baseless reflecting the total non application of the mind of the Detaining Authority and thus, the detention order is liable to be set aside.

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

5. We have considered the above submissions and we have also perused the records carefully.

6. Admittedly, there was no application filed for bail before any Court. When that be so, it is not known as to why the Detaining authority has come to the conclusion that there was real possibility of the detenu to come out on bail. Thus, The satisfaction recorded by the Detaining Authority is totally 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 P.D.No.22/2015 dated 09.05.2015, is quashed. The detenu, by name, Antony, S/o.Mahalingam, aged at 39 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 (RTI)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.R.Alagumani, Advocate Sr.No.52335

akm/11.09.2015 /2p-7c/