



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.741 of 2015

Mumtaj Begum

..Petitioner

Vs.

1. State of Tamilnadu,
represented by
The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.

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

3.The Inspector of Police,
Melur Circle,
Madurai District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for entire records passed in detention order in C.M.P.No.05/2015, dated 26/04/2015 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 son Mohaideen, aged about 23 years before this Court and set him at liberty.

For Petitioner : Mr.K.K.Ramakrishnan

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

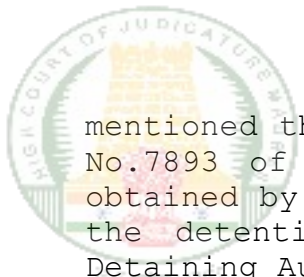
O R D E R

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

The petitioner is the mother of the detenu, namely Mohaideen, S/o.Mohammed Jaleel, aged 23 years, who has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the second respondent in his proceedings in C.M.P.No.05/2015, dated 26/04/2015, 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 appearing for the petitioner and learned Additional Public Prosecutor appearing for the State.

<https://hcservices.ecourts.gov.in/hcservices/> The learned counsel for the petitioner would submit that the detention order has been passed in total non application of mind into the papers. He would further submit that in the detention order, it has been



mentioned that the detenu was granted bail by this Court in CrI.O.P.(MD). No.7893 of 2015, vide order dated 24.04.2015. But the order copy was obtained by the sponsoring authority only on 27.04.2015. When that be so, the detention order states that this order was available before the Detaining Authority on 26.04.2015 itself.

WEB COPY

4. In our considered view, the very fact that there is an extensive reference made about the said bail order, dated 24.04.2015, though the order copy was furnished to the sponsoring authority only on 27.04.2015 would go to show that even without the booklet and the other materials and even without having this material, out of imagination, the impugned order has been passed. In such view of the matter, the impugned order of detention is liable to be set aside.

5. In the result, this Habeas Corpus Petition is allowed and the impugned order, passed by the second respondent, in his proceedings in C.M.P.No.05/2015 dated 26.04.2015, is quashed. The detenu, namely, Mohaideen, S/o.Mohammed Jaleel, aged about 23 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(Records)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
- 2.The District Collector and District Magistrate,
Madurai District, Madurai.
- 3.The Inspector of Police, Melur Circle,
Madurai District.
- 4.The Superintendent of Prison,
Central Prison, Madurai.
(in duplicate for communicate to detenue)
- 5.The Joint Secretary to Government,
Public (Law & Order), Fort St.George, Chennai-9.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.K.Ramakrishnan, Advocate in SR.No.52527

H.C.P(MD) No.741 of 2015
08.09.2015

pjl/rr

PBK/AAL-MPA/SAR-II 10/09/2015 ::2P-9C::
<https://hcservices.ecourts.gov.in/hcservices/>