



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.752 of 2015

M.Ramalakshmi

.. Petitioner

Vs.

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

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

.. 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 relating to the detention order passed by the 2nd respondent in M.H.S.Confdl.No.53/2015, dated 08.05.2015 and quash the same and direct the respondents to produce the detinue, Thiru.Lakshmanan, Son of Mani, male, aged 29 years who is detained at Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.T.Mohan

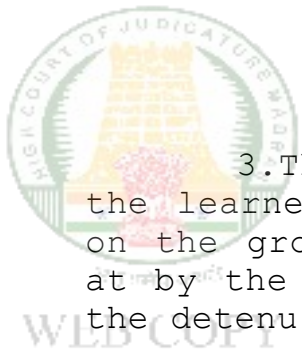
Additional Public Prosecutor.

O R D E R

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

The petitioner is the mother of one Mr.Lakshmanan, S/o.Mani, aged at 29 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.53 of 2015, dated 08.05.2015 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



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 arrived at by the Detaining Authority that there was real possibility of the detenu coming out of bail in the ground case is baseless.

4. The learned Additional Public Prosecutor would submit that the subjective satisfaction arrived at on the basis that for the similar ground, bail was granted to the similarly placed persons, while considering the same.

5. Admittedly, as has been stated in the detention order, the detenu had not moved any bail application in the ground case in Crime No.202 of 2015. When the detenu himself had not moved any application for bail, the subjective satisfaction arrived at by the Detaining Authority that he would come out on bail is baseless. It is not the case of the Detaining Authority that either the detenu or some other relatives were making arrangements to move an application for bail. In such view of the matter, since there is no real possibility of the detenu coming out of bail, 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 M.H.S.Confdl.No.53 of 2015 dated 08.05.2015 is quashed. The detenu, namely, Lakshmanan, S/o. Mani, aged 29 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(T&P)

/True copy/

Sub Assistant Registrar

PJL/RR
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. Tirunelveli.

3. The Superintendent of Prison,
Central Prison, Palayamkottai, Tirunelveli District.
(with copies to communicate to the detenu)



4.The Joint Secretary to Government,
Public (Law & Order)
Fort saint George, Chennai-9

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

+1cc to Mr.P.T.Ramesh Raja, Advocate SR No.51951

ORDER MADE IN
H.C.P (MD) No.752 of 2015
04.09.2015

RG.09.09.2015/GSV/PM/SAR-II 3P/8C.