



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.834 of 2015

Udaiyammai

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-9.
2. The District Collector and District Magistrate,
Tirunelveli District.
Tirunelveli.
- 3.The Inspector of Police,
Manur Circle,
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 pertaining to the order of detention passed by the 2nd Respondent vide his proceedings in M.H.S.Confdl.No.60/2015, dated 27/05/2015 and quash the same and consequently set the detenu by name, Kalanithi, S/o Velusamy, aged 23 years, who is presently confined at Central Prison, Palayamkottai, Tirunelveli District at liberty.

For Petitioner : Mr.R.Anand

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

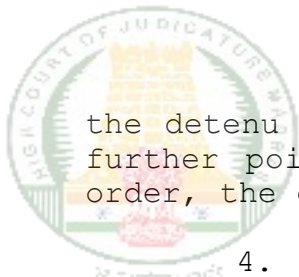
O R D E R

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

The petitioner is the mother of one Mr.Kalanithi, S/o.Velusamy, aged at 23 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.60 of 2015, dated 27.05.2015 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 the State. We have also perused the records carefully.

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 said to have been arrived at by the Detaining Authority that there was real possibility of



the detenu would come out on bail is not based on any material. He would further point out that as mentioned in paragraph No.6 of the detention order, the detenu had not moved any application before any Court for bail.

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

5. We have considered the above submissions.

6. It is crystal clear that in Crime Nos.73 of 2015, 186 of 2015 and 67 of 2015, the detenu had not filed any application seeking for bail before any Court. If that be so, it is strange as to how the Detaining Authority had come to the satisfaction that there was real possibility of the detenu would come out on bail. In our considered view, the said satisfaction is based on no material. 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 Cr.M.P.No.60/2015, dated 27.05.2015, is quashed. The detenu namely, Kalanithi, S/o.Velusamy, aged 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(AS)

/True Copy/

Sub Assistant Registrar.

To

1. The Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Fort St.George, Chennai-9.
2. The District Collector and District Magistrate, Tirunelveli District. Tirunelveli.
- 3.The Inspector of Police, Manur Circle, Tirunelveli District.
- 4.The Joint Secretary to Government Public (Law and Order)Department, Fort St.George, Chennai.
- 5.The Superintendent of Prison, Central Prison, Palayamkottai, Tirunelveli District. (In duplicate for communicate to detenu)
- 6.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- 7.The Commissioner of police, Tirunelveli,

+1CC to Mr.R.Anand,Advocate, SR.No. 58983.