



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2015

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

H.C.P(MD)No.853 of 2015

Ramalakshmi

.. Petitioner

Vs.

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

2. The State of Tamilnadu,
rep. by its Secretary to Government,
Government of Tamilnadu,
Home, Prohibition & Excise Department,
Fort St.George, Secretariat,
Chennai-600 009.

3.The Inspector of Police,
Manur Police Station,
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 the records in M.H.S. Confdl.No.56/2015, dated 13.05.2015 and set aside the same and direct the Respondents herein to produce the detenu, Maharajan, aged 38 years, S/o. Avudaiyappan, who has been termed as Goonda now confined in Central Prison, Palayamkottai before this Honourable Court and set him at liberty.

For Petitioner : Mr.P.Rajkumar

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

ORDER

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

The petitioner is the mother of one Mr.Maharajan, aged 38 years. He has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the first respondent in his proceedings in M.H.S.Confdl.No.56 of 2015, dated 13.05.2015 branding him as "Goonda". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

<https://hcservices.ecourts.gov.in/hcservices/>
2. We have heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the State. We have also gone through the records carefully.



3. The learned counsel for the petitioner would submit that the detenu did not file any application seeking bail in Crime No.153 of 2015, but still the detention order has been passed. It shows the total non application of mind on the part of the detaining authority.

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

5. We have considered the above submission.

6. A perusal of the impugned order would go to show that in Crime No.153 of 2015, the detenu had not filed any application 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 coming 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 first respondent, in his proceedings in M.H.S.Confdl.No.56 of 2015, dated 13.05.2015, is quashed. The detenu, namely, Maharajan, S/o. Avudaiyappan, aged 38 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 District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.
- 2.The Secretary to Government,
Government of Tamilnadu,
Home, Prohibition & Excise Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 3.The Joint Secretary to Government,
Public & Law Order, Secretariat, Chennai.
- 4.The Inspector of Police, Manur Police Station, Tirunelveli District.
- 5.The Superintendent of Prison,
Central Prison, Palayamkottai, Tirunelveli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P(MD)No.853 of 2015
21.09.2015