



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.907 of 2015

S.Chelladurai

.. Petitioner

Vs.

1. State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

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

3. The Superintendent of Central Prison,
Central Prison, Palayamkottai,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records relating to the detention order passed in M.H.S.Confdl.No.59/2015, dated 27.05.2015 on the file of the 2nd respondent herein and set aside the same as illegal and quash the same and direct the respondents to produce the person or body of the petitioner's son namely Saravanan, S/o.Chelladurai, aged about 23 years, before this Court and set him at liberty from the Central Prison, Palayamkottai.

For Petitioner : Mr.K.Sudalaiyandi

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 father of the detenu by name Saravanan. The detenu has been detained as per the order of the second respondent under Section 2(f) of the Tamilnadu Act 14 of 1982, branding him as "Goonda". Challenging the same, he has come forward with this petition.

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

3.Though several grounds have been raised in this petition, the learned counsel for the petitioner would mainly focus his argument on the ground that the subjective satisfaction arrived at by the Detaining Authority that there was real possibility of the detenu coming out on bail, is not based on any material. This, according to the learned counsel for the petitioner, reflects the total non application of mind of the Detaining Authority. Thus, according to the learned counsel for the



petitioner, 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. Admittedly, there was no application filed for bail by the detenu in Crime No.67 of 2015. When that be so, it is strange as to how the Detaining Authority had come to the satisfaction that the detenu would file an application for bail and come out on bail. Thus, the satisfaction of the Detaining Authority that there was real possibility of the detenu coming out on bail is baseless and therefore, the detention order is liable to be set aside.

6. 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.59/2015, dated 27.05.2015 is quashed. The detenu, by name, Saravanan S/o.Chelladurai, 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(AS)

\\True copy\\

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
 2. The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
 3. The Superintendent of Central Prison,
Central Prison, Palayamkottai,
Tirunelveli District.
- (in duplicate for communication to the detenu)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 5. The Joint Secretary,
Public (Law & Order),
Fort St.George, Chennai - 600 009.
 6. The Commissioner of Police,
Tirunelveli District.

+1 cc to MR.K.Sudalaiyandi ADVOCATE, SR No.57849

Gcg

2P/8C

SH:JGB:08.10.2015

<https://hcservices.ecourts.gov.in/hcservices/>

Order Made in H.C.P(MD)No.907 of 2015
01.10.2015