



WEB COPY

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.930 of 2015

M.Iqbal

.. Petitioner

Vs.

1. State of Tamilnadu, rep. by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Pudukkottai District,
Pudukkottai.
- 3.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai 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 records relating to the Detention order passed by the 2nd respondent in P.D.O.No.08/2015, dated 09.04.2015 and to quash the same and direct the respondents to produce the detenu Mohamed Husain, aged 27, S/o.Mohamed Musthafa, before this Court and set him at liberty, now detained at Central Prison, Tiruchirappalli.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.T.Mohan

Additional Public Prosecutor

ORDER

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

The petitioner is the brother of one Mr.Mohamed Husain, S/o.Mohamed Musthafa, aged 27 years, who has been detained under Section 2(f) of the Tamilnadu Act 14 of 1982, branding him as



"Goonda" as per the order of the second respondent in his proceedings in P.D.O.No.08 of 2015 dated 09.04.2015.

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

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel for the Petitioner would mainly focus his argument on the ground that though the Detaining Authority had relied on the report of the Revenue Divisional Officer, Pattukottai, Thanjavur District and also the District Revenue Officer, Thanjavur, regarding the need for detaining him under the Act, the said documents were not furnished to the detenu to make effective representation.

4. The learned Additional Public Prosecutor would submit that these two documents were not furnished to the detenu.

5. We have considered the above submissions.

6. In our considered view, non-furnishing of these two documents, certainly, would have caused prejudice to the detenu to make effective representation, since the detaining authority has arrived at the subjective satisfaction that the detenu should be detained under the Act by these two documents. Since the detenu has been prevented from making effective representation, we are inclined to set aside the impugned order.

7 . In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order passed by the second respondent in his proceedings in P.D.No.08/2015, dated 09.04.2015, is quashed. The detenu, by name, Mohamed Husain, S/o.Mohamed Musthafa, aged 27, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Pudukkottai District,
Pudukkottai.
3. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
4. The Superintendent,
Central Prison, Tiruchirappalli.
(In Duplicate for communication to the detenu)
5. The Joint Secretary to Government,
Public (Law and Order), Fort St. George, Chennai -9.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Suresh, Advocate Sr.No.58718

akm/15.10.2015 /3p-9c/

ORDER MADE IN
H.C.P (MD) No. 930 of 2015
06.10.2015