



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No.990 of 2015

Vellathai

.. Petitioner

Vs.

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

2. The Government of Tamilnadu
Rep by its Secretary Home, Prohibition
and Excise Department,
Fort St. George,
Chennai-9.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the order dated 22/04/2015, made in order No.M.H.S.Confdl.No.48/2015 passed by the 1st respondent and quash the same and consequently direct the respondents to produce the petitioner's son viz Muthiah, M/34 years, S/o.Sudalaikannu Thevar, residing originally Panankulam, Nanguneri Taluk, Tirunelveli District Now at Confined Central Prison, Palayamkottai or his body before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

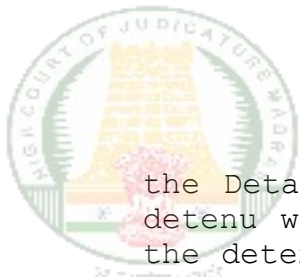
O R D E R

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

The petitioner is the brother of the detenu namely, Muthiah, S/o.Sudalaikannu Thevar, aged at 34 years, who has been detained under the Tamil Nadu Act 14 of 1982 by the order of the first respondent, in his proceedings in M.H.S.Confdl No.48/2015, dated 22.04.2015, branding him as a "**Goonda**". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

<https://hcservices.ecourts.gov.in/hcsefiles/> 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 every real possibility of the detenu would come out on bail is not based on any material and thus, the detention order is liable to be set aside. This, according to the learned counsel for the petitioner is totally baseless and reflecting the total non application of mind 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 submissions and we have also perused the records carefully.

6. Admittedly, there was no application filed for bail in the ground case by the detenu. 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 that the detenu would come out on bail is baseless and 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.48/2015 dated 22.04.2015, is quashed. The detenu, by name, Muthiah, S/o.Sudalaikannu Thevar, aged at 34 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 District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.
2. The Secretary Government of Tamilnadu
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.
- 3.The Superintendent of Prison, Central Prison,
Palayamkottai, Tirunelveli District.
(In Duplicate for communication to the detenu)
4. The Joint Secretary to Government,
Public (Law and Order), Fort St.George, Chennai -9.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.Palani Velayutham, Advocate Sr.No.52557

akm/14.09.2015 /2p-8c/

ORDER MADE IN

H.C.P(MD)No.990 of 2015
07.09.2015