

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE JUSTICE S.NAGAMUTHU

H.C.P.No.2320 of 2015

Arul Selvi

.. Petitioner

vs.

1.The State of Tamil Nadu rep. by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records of the 2nd respondent pertaining to the order made in Na.Ka.No.C3/D.O/35/2015 on 06.08.2015 in detaining the detenu under Section 2 (F) of Tamil Nadu Act, 14 of 1982, as a Goonda and quash the same and direct the respondent to produce the detenu Gopalsamy, S/o.Pattusamy, aged about 34 years, who is detained at Central Prison, Cuddalore, before this Court and set him at liberty.

For petitioner : Mr.B.Ramprabu

For Respondents : Mr.A.N.Thambi Durai,
1 and 2 Addl. Public Prosecutor (Crl.side)

O R D E R

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the wife of one Gopalsamy. He has been detained by the 2nd respondent, namely, The District Collector and District Magistrate, Cuddalore District, Cuddalore, under the Tamil Nadu Act 14 of 1982 as a 'Goonda' vide Detention Order Na.Ka.No.C3/D.O/35/2015 dated 06.08.2015. Challenging the said detention order, the petitioner has come up before this Court with this Habeas Corpus Petition.

2. We have heard the learned Counsel for the petitioner, the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents and we have also perused the records carefully.

3. Though several grounds have been raised in this Habeas Corpus Petition, the learned Counsel for the petitioner would mainly focus his argument on the ground that though in paragraph 5 of the detention order, the Detaining Authority has stated that there was likelihood of the detenu coming out of bail in connection with Sethiyathope Police Station Crime No.159 of 2015, in the same order, the Detaining Authority has stated that the detenu had not moved any bail application in connection with the said crime number. When that be so, it is not known as to how the Detaining Authority had come to the conclusion that there was likelihood of the detenu coming out of bail. In such view of the matter, we are of the view that the detention order of the 2nd respondent is liable to be quashed for total non-application of mind.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in Na.Ka.No.C3/D.O/35/2015 dated 06.08.2015 passed by the second respondent is quashed. The detenu, namely, Gopalsamy, son of Pattusamy is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To:

- 1.The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector,
Cuddalore District,
Cuddalore.

3.The Superintendent,
Central Prison,
Cuddalore.

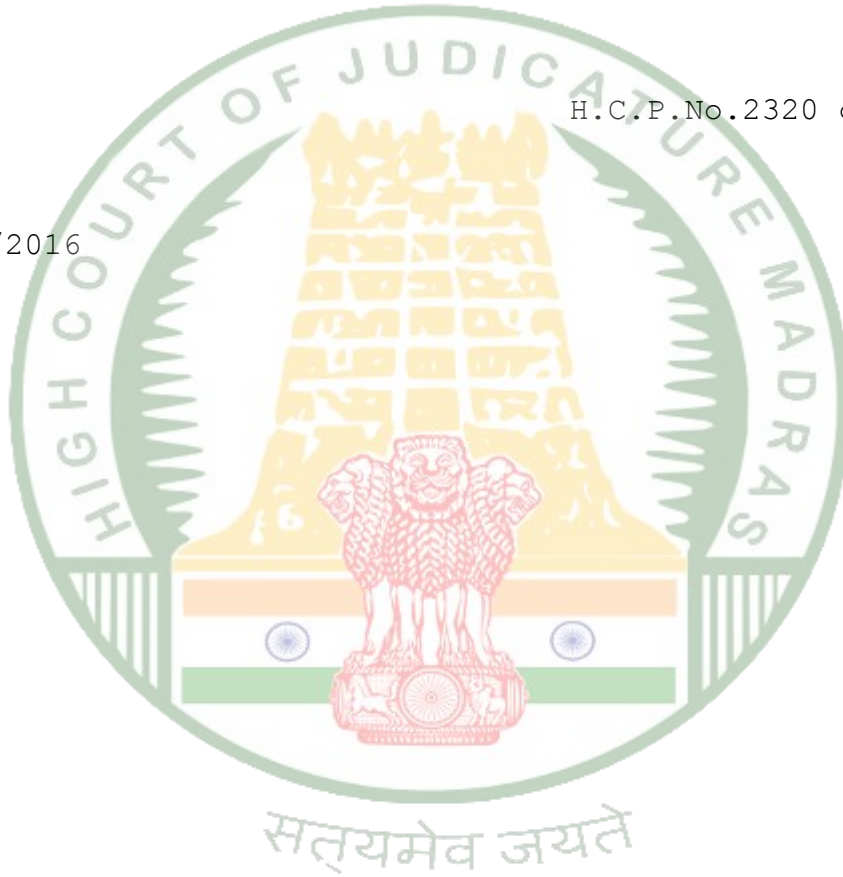
4.The Joint Secretary to Government,
Public (Law & Order), Fort St. George,
Chennai-600 009.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Ramprabu, Advocate Sr.12754

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srg 15/03/2016



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