



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.04.2016

Coram

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P.(MD)No.6 of 2016

Mookkammal

.. Petitioner

Vs.

1.State of Tamilnadu,
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
O/o.Commissioner of Police,
Madurai City.

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

.. Respondents

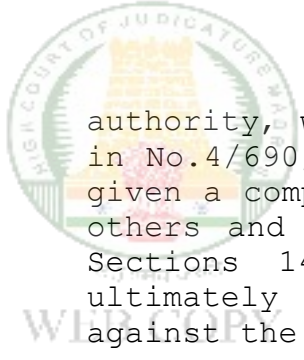
Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to call for the records in detention order passed in No.184/BCDFGISSSV/2015 dated 19.12.2015 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Ayyampillai S/o.Rajamani, Male, aged about 37 years who is detained in Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.C.Ramesh
Addl.Public Prosecutor

ORDER

(Order of the Court was made by A.SELVAM, J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the detention order passed in No.184/BCDFGISSSV/2015 dated 19.12.2015 by the detaining authority against the detenu by name Ayyampillai S/o.Rajamani and quash the same and thereby set him at liberty forthwith.



authority, wherein it is stated that one Muthuvel S/o.Subramani, residing in No.4/690, Nethaji Nagar, Vandiyoor, Madurai as defacto complainant has given a complaint in E3, Anna Nagar Police Station against the detenu and others and the same has been registered in Crime No.1599 of 2015 under Sections 147, 148, 302 and 506(ii) of the Indian Penal Code and ultimately requested the detaining authority to invoke Act, 14 of 1982 against the detenu.

3.The detaining authority after considering the averments made in the affidavit and other connected documents and also after considering the gravity of offence alleged to have been committed by the detenu has branded him as 'goonda' by way of passing the impugned detention order and in order to quash the same, the present petition has been filed by the mother of the detenu as petitioner.

4.On the side of the respondents counter has been filed, wherein it has been contended to the effect that all the averments made in the petition are false and ultimately prayed to dismiss the same.

5.The learned counsel appearing for the petitioner has contended that on the side of the detenu a representation has been submitted and the same has not been disposed of without delay and therefore, the detention order in question is liable to be quashed.

6.The learned Additional Public Prosecutor has represented that the representation given on the side of the detenu has been duly disposed of without delay and therefore the detention order in question does not call for any interference.

7.On the side of the respondents, a proforma has been submitted, wherein it has been clearly stated that in between column Nos.7 to 9, 4 clear working days are available and in between column Nos.12 and 13, 9 clear working days are available and no explanation has been given on the side of the respondents with regard to such delay and that itself would affect rights of the detenu guaranteed under Article 22(5) of the Constitution of India and therefore, the detention order in question is liable to be quashed.

8.In fine, this Habeas Corpus Petition is allowed and the detention order dated 19.12.2015 passed in No.184/BCDFGISSSV/2015 by the detaining authority/second respondent herein is quashed and the detenu by name Ayyampillai S/o.Rajamani is ordered to be set at liberty forthwith, unless he is required to be incarcerated in any other case.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.



2.The Commissioner of Police,
O/o.Commissioner of Police,
Madurai City.

3.The Superintendent of Central Prison,
Central Prison,
Palayamkottai.(In duplicate to communicate the detenu)

4. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St. George,
chennai.

5. The Inspector of Police,
E.3, Anna Nagar Police Station,
Madurai.

6.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

7.The Director General of Police,
Chennai-4.

8. The Inspector General of Prisons,
Chennai-9

+1CC to M/S. K.A.S.Prabhu,Advocate, SR.No. 22643

H.C.P. (MD) No.6 of 2016
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AM/NGM.SS/AR-I/28.04.2016/3P/11C