



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.12.2016
CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.(MD)No.867 of 2016

Rajeshwari : Petitioner

Vs.

1.State Represented by
The District Collector and
District Magistrate,
Tirunelveli District,
Tirunelveli-9.

2.The Principal Secretary to Government,
Home Prohibition and Excise (xiv) Department,
Secretariat,
Chennai-9.

3.State Represented by
The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the records from the first respondent in No.M.H.S.Confdl.No.74/2016, dated 23.06.2016 by setting aside the said order of detention passed by the first respondent and setting the detenu Mariappan alias Muthu Mariappan, aged 30 years, S/o.Narayana Konar, at liberty now detained in the Central Prison, Palayamkottai.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel,
For Mr.K.Prabhu

For Respondents : Mr.C.Mayilvahan Rajendran,
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.SUBBIAH, J]

<https://hcservices.ehcs.gov.in/hcservices/>
The petitioner is the wife of the detenu- Mariappan alias Muthu Mariappan, S/o.Narayana Konar, aged about 30 years. The detenu has been detained by the first respondent, by his order in



M.H.S.Confdl.No.74/2016, dated 23.06.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

2. Though a number of grounds have been raised assailing the order of detention, when the matter was taken up for consideration, the main ground raised by the learned Senior Counsel for the petitioner, at the time of making submission, is that though the rejection order was passed as early as on 25.07.2016, rejecting the representation made on behalf of the detenu, the said order was not served on him. Therefore, non-supply of rejection order would vitiate the order of detention.

3. We find some force in the above said submission made by the learned Senior Counsel for the petitioner, because, in the very same ground, this Court set aside the detention order in various cases. Therefore, applying the same to the case on hand, we are inclined to set aside the order of detention.

4. 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.74/2016, dated 23.06.2016, is quashed. The detenu, namely Mariappan alias Muthu Mariappan, S/o.Narayana Konar, aged about 30 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(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector and
District Magistrate,
Tirunelveli District,
Tirunelveli-9.

2.The Principal Secretary to Government,
Home Prohibition and Excise (xiv) Department,
Secretariat,
Chennai-9.

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



4.The Joint Secretary to Govt.Public(Law & Order),
Fort.St.George,
Chennai-9

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Prabhu,Advocate Sr.No.81782

Order made in
H.C.P.(MD)No.867 of 2016
Dated: 19.12.2016

sml
rum-km/04.01.2017/3p/7c