

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
Habeas Corpus Petition No.420 of 2017

Muniyappan

.. Petitioner

Vs.

1.The State of Tamil nadu

Rep by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 9.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent dated 22.11.2016 in S.C.No.46 of 2016 against the detenu Muthu, S/o.Dhanapal, aged about 30 years, who is now confined at Central Prison, Salem and set aside the same and direct the respondents to produce him before this Court and set him at liberty.

For Petitioner : Mr.S.Sengkodi,
For Respondents : Mr.E.Raja,
Addl. Public Prosecutor

सत्यमेव जयते
O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

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The petitioner, who is the brother of the detenu Muthu, S/o.Dhanapal, aged about 30 years, has come forward with this Writ of Habeas Corpus Petition seeking to quash the detention order in S.C.No.46 of 2017 passed by the second respondent, dated 22.11.2016, against his brother branding him as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2.The detention order dated 22.11.2016 is stated to have been challenged on two grounds. The first ground is that, though in the ground case as well as the second adverse case, no bail application is filed, it was proceeded as there is a imminent possibility of detenu coming out of bail. The second ground is with respect of the non furnishing of the particulars of the statements made by the relatives of the detenu, who are preferring to file an application on behalf of the detenu.

3.Considering the above submissions made by the learned counsel for the petitioner, we find that the detaining authority did not apply his mind properly while passing the detention order. Admittedly, no particulars of the relatives along with their names have been furnished by the detaining authority. The said submission is not supported by any material and evidence also.

4.In such circumstances,the Habeas Corpus Petition is allowed and the detention order dated 22.11.2016, passed by the second respondent, is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cla/sts

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

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

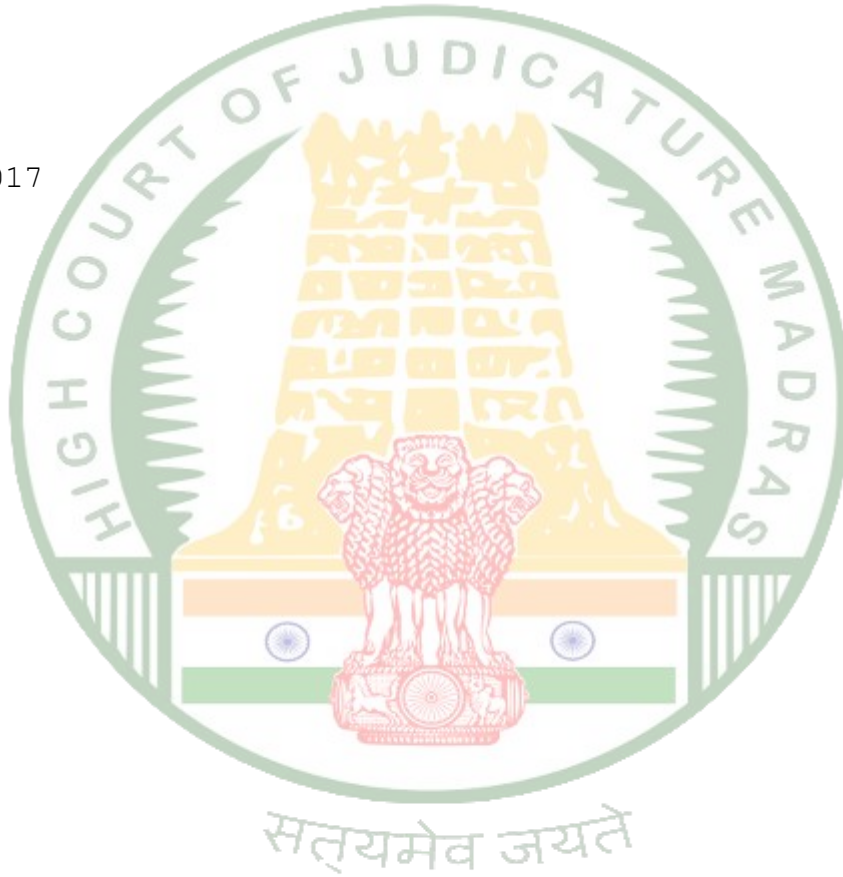
3. The Superintendent Central Prison Salem

4.The Joint Secretary to Government
Public Law and Order Department,
Fort St.George Chennai-9

5. The Public Prosecutor, High Court of Madras.

H.C.P.No.420 of 2017

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