



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **11.07.2017**
CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
and
THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

H.C.P(MD)No.483 of 2017

G.Murugammal .. Petitioner
Vs.

1. The Principal Secretary to the Government,
Home, Prohibition and Excise Department (XVI),
Secretariat, St. George Fort,
Chennai - 9.

2. The Commissioner of Police,
Tirunelveli City.

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

4. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records pertaining to the order of detention passed by the 2nd respondent vide his proceedings in No.11/BCDFGISSSV/2017, dated 27.02.2017 and quash the same and consequently set the detenu by name Puthiyamuthu, S/o.Arumugam, (Male, aged 48 years), who is presently confined at Central Prison, Palayamkottai, Tirunelveli, at liberty.

For Petitioner : Mr.S.M.Anantha Murugan
For Respondents : Mr.C.Ramesh,
Additional Public Prosecutor.

O R D E R

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

The petitioner is the sister of the detenu, namely, Puthiyamuthu, son of Arumugam, Male, aged about 48 years. The detenu has been detained by the second respondent, by his order in No.11/BCDFGISSSV/2017, dated 27.02.2017, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14



of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner, confines his argument only in respect of non-application of mind on the part of the sponsoring authority in referring the name of the detenu in page No.247 of the copies furnished to the detenu.

3. The learned counsel appearing for the petitioner would submit that there is non-application of mind as in page No.247 of the documents furnished to the detenu, the sponsoring authority has referred him as K.Muthukrishnan as against his name, Puthiyamuthu.

4. Per contra, the learned Additional Public Prosecutor, while reiterating the averments made in the counter affidavit, would submit that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

5. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

6. There appears clear non-application of mind even with respect to the name of the detenu in referring his name in page No.247 of the copies furnished to the detenu. Thus, we are of the view that there is a non-application of mind.

7. Considering the submissions made on both sides, we are of the view that there is non-application of mind on the part of the detaining authority in passing the order. In such view of the matter, the impugned detention order is liable to be quashed.

8. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.11/BCDFGISSSV/2017, dated 27.02.2017, passed by the second respondent is set aside. The detenu, namely, Puthiyamuthu, son of Arumugam, aged about 48 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar



To

1. The Principal Secretary to the Government,
Home, Prohibition and Excise Department (XVI),
Secretariat, St. George Fort,
Chennai - 9.

2. The Commissioner of Police,
Tirunelveli City.

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

(In duplicate to communicate the detenu)

4. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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

SMN/DSS

PSM/MR-KKR/SAR2/20.07.2017/3P/6C

**ORDER MADE IN
H.C.P (MD) No.483 of 2017
11.07.2017**