



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.07.2017

CORAM:

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

H.C.P.(MD) No.500 of 2017

Nattar

... Petitioner

-vs-

1.State of Tamil Nadu,

Rep. By its Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.

2.The District Collector & District Magistrate,
Tuticorin District,
Tuticorin.

3.The Jailor/Additional Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

... Respondents

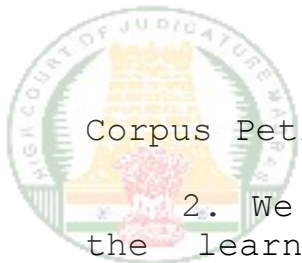
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the second respondent in H.S.(M) Confdl. No.54/16, dated 24.11.2016 and quash the same and direct the Respondents to produce the body or person of the Detenu namely Malli @ Malaiyandi, S/o.Veeraputhiran, aged about 25 years (now detained at Central Prison, Palayamkottai) before this Court and set him at liberty.

For Petitioner : Mr.S.Karthick Subramanian
For Respondents : Mr.T.Mohan
Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the detenu, namely, Malli @ Malayandi, son of Veeraputhiran, Male, aged about 25 years. The detenu has been detained by the second respondent by his Order in H.S.(M) Confdl. No.54 of 2016, dated 24.11.2016, 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. 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.

3. 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 detaining authority in referring the bail petition filed on behalf of the detenu.

4. The learned counsel appearing for the petitioner would submit that in the grounds of detention, it has been stated that the detenu has filed a bail petition and the same has been dismissed, but no such bail petition and order copy have been furnished to the detenu. Thus, we are of the view that there is a non-application of mind.

5. Per contra, the learned Additional Public Prosecutor while reiterating the averments 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.

6. 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.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl. No.54/2016, dated 24.11.2016, passed by the second respondent is set aside. The detenu, namely, Malli @ Malayandi, son of Veeraputhiran, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To:

1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secy to Govt. George,
Chennai-600 009.



2.The District Collector & District Magistrate,
Tuticorin District,
Tuticorin.

3.The Jailor/Additional Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

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

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

H.C.P. (MD) No.500 of 2017
12.07.2017

AM

KK/SKN RSK/SAR1/20.07.2017/3P-6C/