



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2017

CORAM:

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

H.C.P.(MD)No.1238 of 2016

Sarathkumar : Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
 - 2.The District Magistrate and District Collector
Office of the District Magistrate and District Collector
Pudukkottai, Pudukkottai.
 - 3.The Superintendent,
Central Prison,
Tiruchirappalli.
- : 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 entire records in detention order passed in P.D.O.No.13 of 2016, dated 24.08.2016, on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner, namely, Sarathkumar, S/o.Thangaraj, Male, aged 24 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.A.S.Prabhu

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

ORDER

<https://hcservices.ecourts.gov.in/Hcservices/Orders> Order of the Court was made by R.SUBBIAH, J]

The petitioner is the detenu - Sarathkumar, S/o.Thangaraj, Male, aged 24 years. The detenu has been detained by the second



respondent by his order P.D.O.No.13 of 2016, dated 24.08.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

2. Though the detention order is sought to be assailed on several grounds, the learned counsel for the petitioner mainly relies on the contention that the Detaining Authority, while arriving at the subjective satisfaction to detain the detenu as a Goonda, has not mentioned about the bail order granted in similar case particulars. Moreover, in Paragraph No.5 of the Detention Order, the Detaining Authority has stated that the relatives of the detenu are taking steps to file bail petition, but, no material was produced to support the said conclusion arrived at by the Detaining Authority, which shows that the Detention Order was passed with total non-application of mind.

3. We find some force in the above said submission made by the learned counsel for the petitioner, because, non-mentioning of the relevant details to detain the detenu as Goonda under the provisions of Tamil Nadu Act 14 of 1982, would vitiate the order of detention. Therefore, on that ground, 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 second respondent, in his proceedings in Detention Order P.D.O.No.13 of 2016, dated 24.08.2016, is quashed. The detenu, namely, Sarathkumar, S/o.Thangaraj, Male, aged 24 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(CS I)

/True copy/

Sub Assistant Registrar

To

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

2.The District Magistrate and District Collector
Office of the District Magistrate and District Collector
Pudukkottai, Pudukkottai.



3.The Superintendent,
Central Prison, Tiruchirappalli.

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

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

NB

sm:MR:14/03/2017:3P/6C

Order made in
H.C.P. (MD) No.1238 of 2016
Dated:01.03.2017