



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

H.C.P.(MD)No.897 of 2016

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Mahesh @ Maheshwaran

: Petitioner

Vs.

1. 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,
O/o. The District Magistrate and District Collector,
Pudukkottai District, 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 connected with the detention order passed in P.D.O.No.07/2016 dated 05.07.2016 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner namely Mahesh @ Maheswaran, S/o.Alagesan, Male, aged 26 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner

: Mr.K.A.S.Prabhu

For Respondents

: Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu - Mahesh @ Maheswaran, aged about 26 years. The detenu has been detained by the second respondent by his order in Detention Order P.D.O.No.07/2016 dated 05.07.2016, 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, at the time of making submission, the learned counsel for the petitioner submitted that the Detaining Authority, at the subjective satisfaction that there is likelihood of the detenu coming out on bail, in paragraph No.5 of



the detention order has stated that the relatives of the accused have taken steps by filing bail petition. But no material was furnished to show that the relatives of the accused have taking steps to release the accused. Therefore, non-furnishing of the document relied on would vitiate the order of detention.

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3. In view of the above, we are of the considered opinion that the detaining authority ought to have furnished the materials to the effect that the relatives of the petitioner are taking steps to release the petitioner, but no material is furnished. Hence, we hold that the impugned detention order is vitiated and the same is liable to be set aside.

4. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in P.D.O.No.07/2016 dated 05.07.2016, is quashed. The detenu, namely Mahesh @ Maheswaran, aged about 26 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(CO)

/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,
O/o. The District Magistrate and District Collector,
Pudukkottai District, Pudukkottai.
3. The Superintendent,
Central Prison, Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Joint Secretary to Government,
Public (Law & Order),
Fort.St.George, Chennai-9.

Rj2

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