



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.04.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **C.T.SELVAM**

AND

THE HONOURABLE MR.JUSTICE **A.M.BASHEER AHAMED**

H.C.P. [MD] .No.283 of 2018

WEB COPY

Parameswari

: Petitioner

Vs.

1. The State of Tamil Nadu, rep by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai 9.
2. The District Magistrate and District Collector,
Dindigul District, Dindigul.
3. The Inspector of Police,
Dindigul P.E.W., Dindigul.
4. The Superintendent,
Central Prison, Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records relating to the detention order passed by the second respondent in Detention Order No.13/2018, dated 19.02.2018 and to quash the same and direct the respondents to produce the person or body of the detenu, Muthu, S/o.Karuppathevar @ Sadaiyappathevar, aged about 40 years, before this Court and set him at liberty, now detained at Central Prison, Madurai.

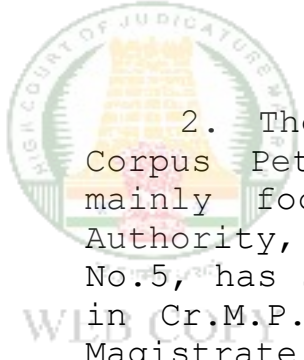
For Petitioner : Mr.S.Deenadhalayan

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **C.T.SELVAM, J.**]

The petitioner is the wife of the detenu - Muthu, S/o.Karuppathevar @ Sadaiyappathevar, aged about 40 years. The detenu has been detained by the second respondent by the impugned Detention Order No.13/2018, dated 19.02.2018, holding him to be a "Boot-legger", as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982.



2. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel for the petitioner would mainly focus his argument on the ground that the Detaining Authority, while arriving at subjective satisfaction, in Paragraph No.5, has stated that the bail application filed by the petitioner in Cr.M.P.No.228 of 2018 was dismissed by the learned Judicial Magistrate No.III, Dindigul and again he filed a bail application in CrI.OP(MD).No.1802 of 2018, which was also dismissed, on 06.02.2018. However, the Detaining Authority has further stated that there is real possibility of the detenu coming out on bail by filing further bail application before the Higher Court, which, according to the learned counsel for the petitioner, shows total non-application of mind on the part of the Detaining Authority, which vitiates the order of detention.

3. We have considered the above submissions.

4. An identical issue was considered by a Division Bench of this Court in **T.Chitra Vs. State of Tamil Nadu**, reported in **2014 (2) MLJ CrI 72** and the order of detention was set aside on the ground of non-application of mind. Hence, following the said order, the Detention Order, passed by the second respondent, in his proceedings in Detention Order No.13/2018, dated 19.02.2018, is quashed. The detenu, namely, Muthu, S/o.Karuppathevar @ Sadaiyappathevar, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

5. In the upshot, we allow the Habeas Corpus Petition.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai 9.
2. The District Magistrate and District Collector,
Dindigul District, Dindigul.
3. The Inspector of Police,
Dindigul P.E.W., Dindigul.

<https://hcservices.courts.gov.in/hcservices/>
4. The Superintendent,
Central Prison, Madurai.



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

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

+1cc to Mr.S.Deenadhalayan, Advocate Sr.No.59500

NB

VB/SKN/RSK/SAR4/24.04.2018/3P/8c

**ORDER MADE IN
H.C.P. [MD] .No.283 of 2018
03.04.2018**