



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 11.06.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM  
and  
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.394 of 2018

Ravikumar

... Petitioner

Vs.

- 1.State of Tamil Nadu,  
Rep.by the Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort, St.George,  
Chennai 600 009.
- 2.The District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.
- 3.The Superintendent of Prison,  
Central Prison,Palayamkottai,  
Tirunelveli District.

... Respondents

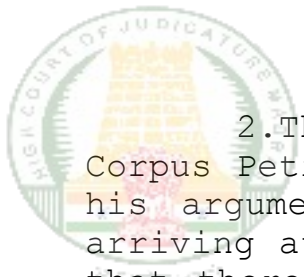
PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S.Confdl.No.16/2018 dated 02.03.2018 by the 2nd respondent and quash the same and direct the respondents to produce the detenu or body of the detenu namely Ravikumar, aged about 34 years S/o Narayanan Nadar, now detained at Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

|                 |                         |
|-----------------|-------------------------|
| For Petitioner  | : Mr.N.Pragalathan      |
| For Respondents | : Mr.V.Neelakandan, APP |

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

The petitioner is the detenu - Ravikumar S/o Narayanan Nadar. The detenu has been detained by the second respondent by the impugned Detention Order in M.H.S.Confdl.No.16/2018 dated 02.03.2018, declaring him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.



2.Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner would mainly focus his argument on the ground that the Detaining Authority, while arriving at subjective satisfaction, in Paragraph No.6, has stated that there is real possibility for detainee coming out on bail in future by filing bail application as in similar case, bail was granted by the Court concerned, 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 Cr1 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 in M.H.S.Confdl.No.16/2018, dated 02.03.2018, is quashed. The detenu, namely, Ravikumar, S/o Narayanan Nadar, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

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

Sd/

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort, St.George,  
Chennai 600 009.

2.The District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.

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

(In duplicate for Communication to detenu)

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



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

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