



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.399 of 2018

Karthick @ Karthikeyan

... Petitioner

Vs.

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,
Office of the District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
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 of the 2nd respondent in M.H.S.Confdl.No.15/2018 dated 01.03.2018 and quash the same and direct the respondents to produce the person or body of the detenu by name Karthick @ Karthikeyan, son of Kannan @ Duraikannan, aged about 27 years, now confining at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

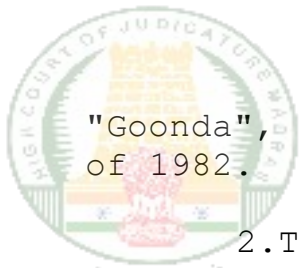
For Petitioner : Mr.R.Alagumani

For Respondents : Mr.V.Neelakandan, APP

ORDER

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

The petitioner is the detenu - Karthick @ Karthikeyan, son of Kannan @ Duraikannan. The detenu has been detained by the second respondent by the impugned Detention Order in M.H.S.Confdl.No.15/2018 dated 01.03.2018, holding 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 detenu 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.15/2018, dated 01.03.2018, is quashed. The detenu, namely, Karthick @ Karthikeyan, son of Kannan @ Duraikannan, 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(AS)

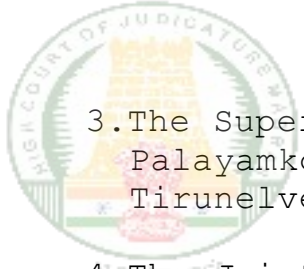
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Sub Assistant Registrar

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,
Office of the District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.



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

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

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

Nbj

AE/SKN RSK/SAR4/03.07.2018/3P/6C

H.C.P. (MD) No.399 of 2018
11.06.2018