



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.408 of 2018

Vasanthi

... Petitioner

Vs.

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

2.The District Magistrate cum District Collector,
Thanjavur District.

3.The Superintendent of Prison,
Central Prison,
Trichy.

... 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, pertaining to the detention order passed by the second respondent in detention order made in P.D.No.09/2018, dated 12.03.2018 under Section 2(f) of Tamil Nadu Act, 14 of 1982 as Goonda and quash the same and direct the respondents to produce the detenu namely, Jeevanraj, son of Rajendran, aged about 24 years, detained at Central Prison, Trichirapalli, before this Court and set him at liberty forthwith.

For Petitioner

: Mr.A.Arun Prasad

For Respondents

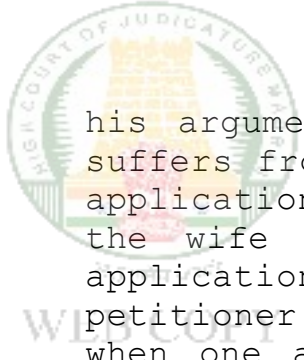
: Mr.K.Dinesh Babu, APP

ORDER

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

The petitioner is the wife of the detenu - Jeevanraj, son of Rajendran. The detenu has been detained by the second respondent by the impugned Detention Order P.D.No.09/2018 dated 12.03.2018, 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 impugned order of detention suffers from non-application of mind. In spite of pendency of bail application in ground case, Detaining Authority has informed that the wife of the detenu is taking steps to move another bail application in the ground case. There is no occasion for petitioner to take such steps to move another bail application when one already is pending. Such observation of the detaining authority reflects non application of mind, 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 No.P.D.No.09/2018 dated 12.03.2018, is quashed. The detenu, namely, Jeevanraj, son of Rajendran, 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(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise (XIV) Department,
Fort St.George,
Chennai 600 009.
- 2.The District Magistrate cum District Collector,
Thanjavur District.
- 3.The Superintendent of Prison,
Central Prison,
Trichy.
- 4.The Joint Secretary to Government,
Public (Law and Order),
Fort.St.George,



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

+1cc to Mr.A.Arun Prasad, Advocate Sr.No.67953

NBJ

VB/PN/SAR2/10.07.2018/3P/7C

H.C.P. (MD) No.408 of 2018
12.06.2018