



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2018

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH  
AND  
THE HONOURABLE MRS.JUSTICE R.THARANI**

H.C.P. (MD) No.1221 of 2018

Balasankar

: Petitioner

**Vs.**

1. The Principal Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai - 600009.
2. The District Magistrate and District Collector,  
Office of the District Magistrate and District Collector,  
Virudhunagar District, Virudhunagar.
3. The Superintendent,  
Borstal School,  
Pudukkottai.

: Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the second respondent in Cr.M.P.No.02/2018 dated 05.02.2018 and quash the same and direct the respondents to produce the body or person of the detenu by name Alaguraja, son of Selvaraj, aged about 20 years, now detained at Borstal School, Pudukottai before this Honourable Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani  
For Respondents : Mr.K.Dinesh Babu,  
Additional Public Prosecutor

**ORDER**

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

The petitioner is the cousin brother of the detenu - Alaguraja, S/o.Selvaraj, aged about 20 years. The detenu has been detained by the second respondent by his order Detention Order in Cr.M.P.No.02/2018 dated 05.02.2018, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

2. The only ground raised by the learned counsel for the



petitioner is that the Detaining Authority, while arriving at the subjective satisfaction to detain the detenu as a Goonda, has not mentioned about the bail order granted in the ground case and he has also not dealt with the likelihood of the detenu coming out on bail in the ground case, which shows that the Detention Order was passed with total non-application of mind.

3. We find some force in the above said submission made by the learned counsel for the petitioner, because, non-mentioning of the relevant details to detain the detenu as Goonda under the provisions of Tamil Nadu Act 14 of 1982, would vitiate the order of detention. Therefore, on that ground, we are inclined to set aside the order of detention.

4. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in Detention Order in Cr.M.P.No.02/2018 dated 05.02.2018, is quashed. The detenu, namely, Alaguraja, S/o.Selvaraj, aged about 20 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(CS-III)

**To**

1. The Principal Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai - 600009.
2. The District Magistrate and District Collector,  
Office of the District Magistrate and District Collector,  
Virudhunagar District, Virudhunagar.
3. The Superintendent,  
Borstal School,  
Pudukkottai.
4. The Joint Secretary to Government,  
Public (Law & Order) Department,  
Fort St. George, Chennai-9.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

PM

TE/SV/SAR-3 : 20/12/2018 : 2P/6C

Order made in  
H.C.P. (MD) No.1221 of 2018  
Dated:23.11.2018