



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.1529 of 2018

Muppilipandi

... 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.

... Respondents

PRAYER: 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.122/2018 dated 08.10.2018 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Muppilipandi, aged about 26 years, S/o.Aadhimoolam, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor

**ORDER**

[Order of the Court was made by B.PUGALENDHI, J.]

The second respondent clamped an order of detention on 08.10.2018 as against Muppilipandi, son of Aadhimoolam, as the said Authority arrived at the subjective satisfaction that the said detenu is a 'Goonda' and he has to be detained under Section 3 (1) of Tamil Nadu Act 14 of 1982 with a view to prevent him from acting prejudicial to the interest of public health and public order.

2. Challenging the order of detention, the detenu has come forward with the present Habeas Corpus Petition.

3. Heard Mr.N.Pragalathan, learned counsel appearing for the petitioner and Mr.M.Chandrasekaran, learned Additional Public Prosecutor appearing for the respondents.

4. It is the contention of the learned counsel for the petitioner that the co-accused in the case, along with the petitioner, were also detained under the Preventive Detention Laws and as against the said detention, the co-accused, namely, Sivasubramanian @ Chendu, Karnan and Mahesh preferred H.C.P.(MD) Nos.1530, 1538 & 1539 of 2018 and this Court, vide separate orders dated 01.02.2019, has allowed the said petitions and quashed the orders of detention. It is the submission of the learned counsel for the petitioner that the same grounds apply to the case of the petitioner herein also and therefore, the present petition has to be allowed.

5. A perusal of the materials available on record coupled with the orders passed by this Court in regard to the co-accused in H.C.P.(MD) Nos.1530, 1538 & 1539 of 2018 reveals that the same grounds apply to the present case also. Therefore, on this short ground, the impugned order of detention deserves to be quashed.

6. The detention order passed by the second respondent detaining the detenu, Muppilipandi, son of Aadhimoolam, made in M.H.S.Confdl.No.122/2018 dated 08.10.2018 is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith unless his custody is required in any other case.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To:

- 1.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.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public (Law & Order),
Fort Saint George, Chennai-9.

H.C.P. (MD) No.1529 of 2018
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CS: (31/05/2019) 3P 6C