



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2345 of 2019

Vellaisamy
S/o.Palanisamy

... Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600009.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records relating to the petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 09.10.2019 on the file of second respondent herein made in proceedings in Memo Cr.M.P.No.14/Goonda/2019, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner, viz., Vellaisamy S/o.Palanisamy, aged 27 years, before this Court, who is detained at Central Prison, Coimbatore and set him at liberty.

For Petitioner	:	Mr.W.Camyles Gandhi
For Respondents	:	Mr.R.Prathap Kumar Additional Public Prosecutor

O R D E R

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

Petitioner is the detenu viz., Vellaisamy S/o.Palanisamy, aged 27 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in Cr.M.P.No.14/Goonda/2019 dated 09.10.2019.



WEB COPY

2. The detenu came to adverse notice in the following cases:

Sl.No	Police Station/Crime No.	Section of Law
1.	Erode District, Erode Taluk Police Station, Crime No.412/2017	381 IPC
2.	Namakkal District, Velur Police Station, Crime No.92/2019	381 IPC

The alleged ground case has been registered against the detenu in Crime No.452 of 2019 on the file of Dharapuram Police Station for offences u/s.454 and 380 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner mainly focussed his argument on the ground that the arrest of the detenu has been intimated to his brother through SMS. However, to establish the same, no proof has been produced, which would vitiate the detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. In the light of the fact that there is no proof for establishing that the arrest of the detenu was duly informed to his brother, we have no hesitation in quashing the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Vellaisamy S/o.Palanisamy, in Cr.M.P.No.14/Goonda/2019 dated 09.10.2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600009.
2. The District Magistrate and District Collector,
Tiruppur,
Tiruppur District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Joint Secretary to Government,
Public (Law&Order)
Fort St.George,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2345 of 2019

KK(CO)
KKV/11/06/2020