



WEB COPY

H.C.P(MD) No.212 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.212 of 2020

Pannikulam Ramesh @ Ramesh

... Petitioner

-vs-

1.State of Tamil Nadu

rep.by The Additional Chief
Secretary to Government
Home, Prohibition and Excise
(XVI) Department
Secretariat, Chennai-600 009

2.The District Collector and

District Magistrate
O/o.The District Collector and
District Magistrate
Thanjavur District, Thanjavur

3.The Superintendent

Central Prison
Tiruchirappalli

... 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 in detention order passed in P.D.No.08/2020, dated 13.02.2020, on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Patchakili alias Surya alias Suryakumar, son of Pannikulam Ramesh alias Ramesh, male, aged 22 years, who is detained in Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.G.Arunkumar

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

(Order of the Court was made by K.KALYANASUNDARAM, J.)

This habeas corpus petition has been filed by the father of the detenu, namely, Patchakili alias Surya alias Suryakumar, aged 22 years, challenging the detention order in P.D.No.08/2020, dated 13.02.2020, passed by the second respondent, branding him as "Goonda" as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.



2. Though several grounds have been raised challenging the impugned detention order, Mr.K.G.Arunkumar, learned counsel for the petitioner, would mainly contend that the impugned order of detention is liable to be set aside on the ground of non-availability of proof for intimation of arrest of the detenu to his mother. It is the contention of the learned counsel that the authorities failed to intimate the arrest of the detenu to his family members.

3. Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, while reiterating the counter affidavit filed by the second respondent, submitted that the detention order has been rightly passed by the second respondent taking note of the activities of the detenu and it has been passed to prevent the detenu from indulging in similar activities in future. It is the further submission of the learned Additional Public Prosecutor that arrest of the detenu has been properly intimated to his mother and hence, prayed for dismissal of the habeas corpus petition.

4. Heard both sides and perused the materials available on record.

5. In the instant case, a perusal of the Arrest Intimation Form available at Page No.122 of the booklet, would show that the arrest of the detenu in the ground case was intimated to his mother Aachi Ponnu, but, her signature is not available, which shows that the arrest of the detenu was not properly intimated to his family members. Hence, in our considered view, the detention order is liable to be set aside on the ground of non-availability of proof for intimation of arrest of the detenu to his mother.

6. In fine, the Habeas Corpus Petition is allowed. The detention order in P.D.No.08/2020, dated 13.02.2020, passed by the second respondent, is set aside. Consequently, the detenu, namely, Patchakili alias Surya alias Suryakumar, son of Pannikulam Ramesh alias Ramesh, aged 22 years, who is now detained at Central Prison, Tiruchirappalli, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

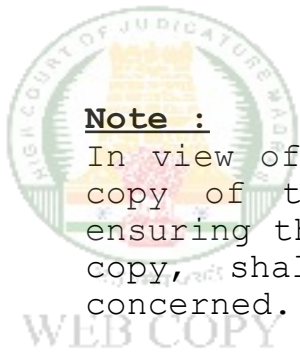
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

- 1.The Additional Chief
Secretary to Government,
Home, Prohibition and Excise
(XVI) Department,
State of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The District Collector and
District Magistrate,
O/o.The District Collector and
District Magistrate,
Thanjavur District,
Thanjavur.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.
4. The Joint Secretary to Government,
Public (Law &Order) Fort St.Goerge,
Chennai 600 009
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.212 of 2020
09.10.2020

SGS (CO)
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