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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2020

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD)No.600 of 2019

Vijayaraj alias Vijayakumar

`... Petitioner/Detenu

Vs.

1.The State of Tamil Nadu,
represented 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, praying for issuance of a Writ of Habeas Corpus to call for the entire records connected with the detention order passed in M.H.S.Confdl No.46/2019, dated 25.06.2019, on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Vijayaraj alias Vijayakumar, aged about 26 years, S/o Chelladurai, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner	:	Mr.N.Pragalathan
For Respondents	:	Mr.K.Dinesh Babu Additional Public Prosecutor

ORDER

[Order of the Court was made by **P.N.PRAKASH,J.**]

The detenu, who is the petitioner herein, has challenged the order of detention, dated 25.06.2019, passed by the second respondent under Act 14 of 1982 on the premise that he is a "Goonda".

2. The learned Counsel appearing for the petitioner submitted that after the detention was clamped, the petitioner submitted his representation on 02.07.2019 to the Government as well as to the



Detaining Authority, but the one sent to the Government was not forwarded by the Detaining Authority and therefore, he was effectively prevented from making a representation to the Government for revoking the order of detention.

3. The learned Additional Public Prosecutor conceded the point.

4. In view of the above, the Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent in M.H.S.Confdl No.46/2019, dated 25.06.2019. Consequently, the detenu, namely, Vijayaraj alias Vijayakumar, son of Chelladurai, aged about 26 years, who is now detained at Central Prison, Palayamkottai, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case/proceedings.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

H.C.P(MD)No.600 of 2019
20.03.2020

AP(21/05/2020) 2P 6C

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