



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2020

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

H.C.P. (MD) No.649 of 2020

Kalraman @ Velumurugan

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

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

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 to call for the entire records, connected with the detention order passed in H.S(M)Confdl No.52/2020 dated 11.08.2020 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, Kalraman @ Velmurugan, aged about 30 years S/o Ramasamy, now detained at the 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



O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

Heard Mr.N.Pragalathan, learned counsel for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents.

WEB COPY

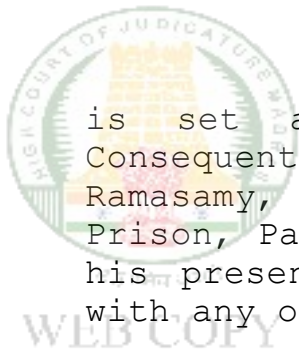
2.The Habeas Corpus Petition has been filed by the detenu, namely, Kalraman @ Velmurugan, aged about 30 years, S/o Ramasamy, who has been branded as "Goonda" by the second respondent in H.S (M) Confdl No.52/2020, as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982.

3.The learned counsel for the petitioner would submit that the detention order impugned in this habeas corpus petition is liable to be set aside on two grounds. Firstly, on the ground of delay in supplying the material and booklet after lapse of 5 days. Secondly, the relevant documents relied on by the second respondent were not furnished to the detenu, which deprived the valuable rights of the petitioner from making effective representation to the concerned authorities for revocation of the detention order.

4.Per contra, the learned Additional Public Prosecutor submitted that the Detaining Authority has arrived at the subjective satisfaction based on the cogent materials placed by the Sponsoring Authority and there is no infirmity or irregularity in the impugned order of detention passed by the second respondent. He would further submit that all the documents have been supplied to the detenu in time and the arrest of the detenu was also intimated in accordance with law and hence, prayed for dismissal of the habeas corpus petition.

5.In the matter on hand, perusal of the typed set of papers would show that the booklet and relevant documents have been furnished to the detenu on 17.08.2020, whereas, the detention order came to be passed on 11.08.2020. Section 8 of the Tamil Nadu Act 14 of 1982 mandates supplying of the copies to the detenu within 5 days. Further, it is seen that the detenu was arrested in the ground case on 28.07.2020 and on the same day, he was produced before the Judicial Magistrate No.3, Thoothukudi and he was remanded to judicial custody upto 03.08.2020, but the remand order has not been annexed in the booklet furnished to the detenu. Therefore, in order considered view that the valuable rights of the detenu from making effective representation to the concerned authorities for revocation of the detention order has been deprived.

6. In view of that, the order of detention passed by the second respondent, in H.S(M) Confdl No.52/2020 dated 11.08.2020,



is set aside and the habeas corpus petition is allowed. Consequently, the detenu, namely, Kalraman @ Velumurugan, Son of Ramasamy, Male, aged about 30 years, who is 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.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

skn

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.

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison
Palayamkottai.
- 4.The Joint Secretary,
Public (Law and Order)
Fort.St.George,
Chennai.



5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

H.C.P. (MD) No.649 of 2020
19.11.2020

SVN(CO)
KM (14.12.2020) 4P 6C