



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.05.2020**

**CORAM**

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH**

**AND**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**H.C.P.(MD)No.867 of 2019**

**WEB COPY**

Krishnammal ... Petitioner/Mother of the Detenu  
Vs.

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

2.The District Collector and the District Magistrate,  
Tirunelveli District,  
Tirunelveli-9.

3.The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli District.

... 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 of the second respondent in M.H.S.Confdl.No.61/2019, dated 09.08.2019 and quash the same and direct the respondents to produce the detenu, by name Ganesan, son of Lakshmanan, aged about 25 years, now detained in Palayamkottai Central Prison, before this Court and set him at liberty forthwith.

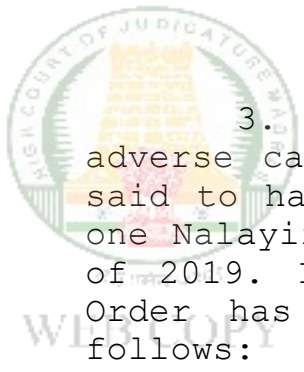
|                 |   |                                                  |
|-----------------|---|--------------------------------------------------|
| For Petitioner  | : | Mr.R.Vinoth Bharathi                             |
| For Respondents | : | Mr.R.Anandharaj,<br>Additional Public Prosecutor |

**ORDER**

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

The son of the petitioner viz., Ganesan, son of Lakshmanan, aged about 25 years, has been detained as a "Goonda" under Section 2(f) of the Tamil Nadu Act 14 of 1982, by the impugned order of detention dated 09.08.2019, challenging which, this Habeas Corpus Petition has been filed.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.



3. The Detaining Authority has taken cognizance of the adverse cases as well as the ground case in which the detenu is said to have robbed a sum of Rs.2,500/- from the shirt pocket of one Nalayiramuthu alias Nalayiram, the complainant in Crime No.243 of 2019. In Paragraph No.3, the grounds on which the Detention Order has been passed, the Detaining Authority has stated as follows:

**"The complainant took rupees 2,500/- from his shirt pocket and gave the same at Thiru.Ganesan and begged, saying "இதோடு விட்டுவிடு".**

4. Whereas, a perusal of the First Information Report in Crime No.243 of 2019 would disclose that the detenu has demanded a sum of Rs.1,000/- [Rupees One Thousand only] and has taken away only two five hundred rupees notes from the pocket of the complainant Nalayiramuthu alias Nalayiram. The Detaining Authority, who passed the detention order based on the ground case, namely Crime No.243 of 2019, has passed the detention order even without perusing the First Information Report in Crime No.243 of 2019, which shows non-application of mind on the part of the Detaining Authority and, therefore, the detention order stands vitiated and the same is liable to be set aside.

5. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in M.H.S.Confdl.No.61/2019, dated 09.08.2019. Consequently, the detenu, namely Ganesan, son of Lakshmanan, aged about 25 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 (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector and the District Magistrate,  
Tirunelveli District,  
Tirunelveli-9.

3.The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli District.

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

Order made in  
**H.C.P (MD) No. 867 of 2019**  
Dated:  
**18.05.2020**

KM (08.06.2020) 3P 5C