



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.05.2020

CORAM

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

H.C.P(MD)No.924 of 2019

T.Murugan ... Petitioner/Father of the Detenue

Vs.

1.State of Tamil Nadu,
Represented 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,
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.63 of 2019, dated 20.08.2019 on the file of the 2nd respondent and quash the same and direct the respondents to produce the detenu or body of the detenu by name Sundarraaj, aged 20 years, S/o. Murugan, before this Hon'ble Court, now detained at Central Prison, Palayamkottai and set him at liberty forthwith.

For Petitioner	:	Mr.N.Pragalathan
For Respondents	:	Mr.R.Anandharaj Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu viz., Sundarraaj, aged about 20 years. The detenu has been detained by the second respondent the The District Collector and District Magistrate, Tirunelveli District, Tirunelveli by order dated 20.08.2019 branding



him as "GOONDA", under Section 2(f) of the Tamil Nadu Act 14 of 1982.

2. We have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

3.This petition deserves to be allowed on a short ground. In paragraph No.3 of the grounds of detention, the detaining authority has averred as "*nearby shopkeepers closed their shops and ran away to save their lives and properties with fear and panic*", for arriving at his subjective satisfaction that the act of the detenu is prejudicial to maintenance of law and order. However, we find that there is material at all for the aforesaid averment in as much as, even in the FIR in Crime No.150 of 2019, there is no such averment.

4.Under normal circumstances, this may not be a ground for quashing the detention order, however, taking into consideration the present COVID-19 pandemic situation and the consequent need for decongestion of prisoners, this Court is inclined to quash the detention order.

5.Accordingly, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in in M.H.S.Confdl No.63 of 2019, dated 20.08.2019. Consequently, the detenu, namely Sundarraaj, son of T.Murugan, aged about 20 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)

dsk
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,
Tirunelveli District,Tirunelveli.

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

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

5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George,
Chennai-9.

Order made in
H.C.P(MD)No.924 of 2019

Dated:

27.05.2020

NR(22/07/2020) 3P 6C