



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2020

CORAM

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

H.C.P (MD)No.1013 of 2019

Alagar

... Petitioner

Vs.

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

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

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

4.The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi 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 records pertaining to the Detention Order in H.S(M)Confdl.No.36 of 2019, dated 27.07.2019, passed by the second respondent and set aside the same issued against the petitioner, by name, Alagar, son of Aandi, (the detenu), aged 44 years, and set him at liberty, who is now detained at the Central Prison, Palayamkottai.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor



ORDER

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

The petitioner is the detenu viz., Alagar, son of Aandi, aged about 44 years. The detenu has been detained, as per the order of the second respondent, dated 27.07.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2. The petitioner was detained as Goonda under the Tamil Nadu Act 14 of 1982 on 27.07.2019. The petitioner gave a representation dated 17.08.2019 through the jail authorities to the detaining authority as well to the State Government which was received by the jail authorities on 03.09.2019. The representation that was forwarded to the detaining authority was rejected on 13.09.2019, but the representation that was given to the Government was not forwarded to the Government by the detaining authority till date and therefore, the petitioner has lost an effective remedy under the Tamil Nadu Act 14 of 1982.

3. In view of the above, the petitioner has lost his valuable right of having his representation considered by the Government before it is forwarded to the Advisory Board and hence, the detention order stands vitiated and the same is liable to be quashed.

4. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent in H.S(M)Confdl.No.36 of 2019, dated 27.07.2019. Consequently, the detenu, namely, Alagar, son of Aandi, aged 44 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 (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector cum District Magistrate,
Thoothukudi,
Thoothukudi District.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
- 5.The Joint Secretary,
Public (Law & Order) Department,
Fort St.George, Chennai - 9.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.MURUGAN, Advocate (SR-10438[F] dated 06/03/2020

H.C.P(MD)No.1013 of 2019

06.03.2020

rsb

SDS (19.03.2020) 3P-8C