



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No. 994 of 2019

Jeevanandam

... Petitioner

Vs.

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Magistrate and District Collector,
Virudhunagar.

3.The Superintendent of Central Prison,
Central Prison,
Madurai.

... 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 from the second respondent in Cr.M.P.No.21/2019 (GOONDA), dated 14.09.2019 and quash the same and direct the respondents to produce the body or person of the petitioner's son, namely Karuppasamy, S/o.Jeevanantham, aged 19 years, Mildred School Street, Aathangaraippatti, Koomapatti, Watrap Taluk, Virudhunagar District, who has been illegally detained in Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.Muthumalai
For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor
* * * *

ORDER

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

The petitioner's son, viz., Karuppasamy, S/o.Jeevanantham, aged 19 years, has been detained, as per the order of the second respondent, dated 14.09.2019, 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 order of detention deserves to be quashed on the short ground, namely, that the order of detention was passed by the District Collector on 14.09.2019; the detenu gave a representation dated 19.09.2019 to the District Collector; however, the Government had approved the order of detention within 12 days, but, whereas, the District Collector has rejected the representation on 04.10.2019, after the Government had confirmed the order of detention, which, in the opinion of this Court, vitiates the order of detention and hence, the detention order is liable to be quashed.

3. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in Cr.M.P.No.21/2019 (GOONDA), dated 14.09.2019. Consequently, the detenu, namely, Karuppasamy, S/o.Jeevanantham, aged 19 years, who is now detained at Central Prison, Madurai, 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(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML
To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Virudhunagar.
- 3.The Superintendent of Central Prison,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
H.C.P(MD)No.994 of 2019
Dated:20.05.2020

AL(CO)
TR(08.06.2020)2P 5C