



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1010 of 2019

WEB COPY

Vengaitamil @ Tamilselvam

: Petitioner/Detenu

Vs.

1.The Principal Secretary to Government
State of Tamil Nadu,
Home, Prohibition and Excise Department
Fort St. George, Chennai-9.

2.The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Nagapattinam District,
Nagapattinam.

3.The Superintendent of Prison
Trichy Central Prison,
Trichy District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the respondent No.2 in C.O.C.No.40/2019 dated 17.09.2019 and quash the same and direct the respondents to produce the body or person of the detenu by name Vengaitamil @ Tamilselvam, son of Soundararajan, aged about 29 years detained as Goonda at Trichy Central Prison, before this Court and set him at liberty forthwith.

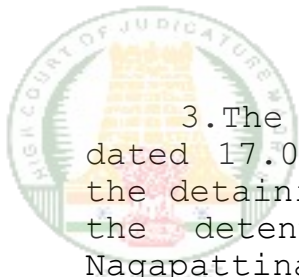
For Petitioner : Mr.R.Alagumani
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by B.PUGALENDHI J)

The petitioner is the detenu viz., Vengaitamil @ Tamilselvan, S/o.Soundararajan, aged about 29 years. The detenu has been detained, as per the order of the second respondent, dated 17.09.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petititoner is before this Court in this Habeas Corpus Petition.

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.The detenu has been detained as a Goonda vide impugned order dated 17.09.2019. In paragraph No.4 of the grounds of detention, the detaining has clearly stated that the bail applications filed by the detenu is pending on the file of the Sessions Court, Nagapattinam. Having stated so, he has also stated as follows:

WEB COPY "Further bail petition filed before the Sessions Judge, Nagapattinam was pending in Cr.M.P.No.2677/2019 dated 09.09.2019. Hence, I infer that there is real possibility of his (Thiru.Vengaitamil @ Tamilselvam, Male, aged 29/2019, S/o.Soundararajan) coming out on bail by filing a bail application for the above case before the appropriate Court and higher Court."

This itself shows the non application of mind on the part of the detaining authority. Hence, on the sole ground, the detention order is vitiated.

4. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in Detention Order C.O.C.No.40/2019 dated 17.09.2019 is quashed. The detenu, namely Vengaitamil @ Tamilselvam, S/o.Soundararajan, aged about 29 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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 Principal Secretary to Government
State of Tamil Nadu,
Home, Prohibition and Excise Department
Fort St. George, Chennai-9.
- 2.The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Nagapattinam District, Nagapattinam.
- 3.The Superintendent of Prison
Trichy Central Prison, Trichy District.
- 4.The Secretary to Government (Law & Order)
Fort Saint George,
Chennai-9
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1010 of 2019
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