



WEB COPY

H.C.P.(MD)No.1045 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1045 of 2019

Periasamy

... Petitioner

Vs.

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

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

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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 Detention Order No.61/2019, dated 24.09.2019 and quash the same and direct the respondents to produce the body or person of the detenu by name Periasamy, Son of Kathamuthu, aged about 26 years, now detained as "Goonda" in Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner	:	Mr.R.Alagumani
For Respondents	:	Mr.K.Dinesh Babu, Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz., Periasamy, Son of Kathamuthu, aged about 26 years. The detenu has been detained, as per the order of the second respondent, dated 24.09.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petititioner is before this Court with this Habeas Corpus Petition.



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

3. It is seen that in the grounds of detention, the Detaining Authority has relied upon the case in Palani Adivaram Police Station Crime No.142 of 2013 under Section 395 of the Indian Penal Code as the first adverse case, in which, the detenu was remanded. However, in the booklet supplied to the detenu, there is absolutely no material in support of the said reliance, inasmuch as no document relating to Palani Adivaram Police Station Crime No.142 of 2013 was enclosed. On account of this, the detenu has lost his valuable right of making an effective representation, which, in the opinion of this Court, shows lack of application of mind and on that ground, the impugned detention order 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 Detention Order No.61/2019, dated 24.09.2019. Consequently, the detenu, namely, Periasamy, Son of Kathamuthu, aged about 26 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 (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML/RSB

To

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

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



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

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

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

Order made in
H.C.P (MD) No.1045 of 2019

Dated:
29.06.2020

KM (06.07.2020) 3P 6C