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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.NO.2031 OF 2021

Vasudevan

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George,
Chennai.
2. The District Collector and District Magistrate,
Tirupathur District,
Tirupathur.
3. The Superintendent of Police,
Tirupathur District,
Tirupathur.
4. The Superintendent,
Central Prison,
Vellore, Vellore District.
5. The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Tirupathur District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the impugned order C3/D.O.No.50/2021 dated 08.11.2021 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce viz., Dillikumar, son of Vasudevan, aged about 24 years, now confined at the Central Prison, Vellore, before this Court and set him at liberty.



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For Petitioner : Mr.G.Vinodhkumar

For Respondents : Mr.E.Raj Thilak
Addl. Public Prosecutor

ORDER

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner is the father of the detenu Dillikumar, son of Vasudevan, aged about 24 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.50/2021 dated 08.11.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel for the petitioner assailed the order of detention on the ground that the representation of the detenu has not been considered by the Government and forwarded to the Collector. Hence the order of detention is liable to be quashed.

4. There is no satisfactory explanation offered by the learned Additional Public Prosecutor appearing for the detaining authority.

5. On a perusal of the booklet furnished to the detenu and the grounds of detention, it is seen that the representation of the detenu has not been considered by the Government. This would vitiate the order of detention. Hence the impugned order of detention is liable to be set aside.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.50/2021 dated 08.11.2021, passed by the second respondent is set aside. The detenu, viz., Dillikumar, son of Vasudevan, aged about 24 years, is directed



to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George,
Chennai.
2. The District Collector and District Magistrate,
Tirupathur District,
Tirupathur.
3. The Superintendent of Police,
Tirupathur District,
Tirupathur.
4. The Superintendent,
Central Prison,
Vellore, Vellore District.
5. The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Tirupathur District.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2031 of 2021

JPL (CO)
RLP (17/06/2022)