



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

Coram

The Honourable Mr. Justice S.VAIDYANATHAN
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.2113 of 2021

Meganathan @ Mohan

.. Petitioner

Vs.

1.The Addl. Chief Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai.

2.The Commissioner of Police,
Greater Chennai

3.The Superintendent,
Central Prison Puzhal,
Chennai.

4.The Inspector of Police,
R8 Vadapalani Police Station (crime),
Chennai.

.. 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 detention order passed by the 2nd respondent pertaining to the order made in BCDFGISSSV.No.349/2021 dated 23.11.2021 in detain the detenu under 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the and direct the respondent to produce the detenu Meganathan @ Mohan s/o.Kanniappan aged about 33years who is detained at Central Prison Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.G.Nirmal Krishnan

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



ORDER

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

The petitioner himself is the detenu Meganathan @ Mohan s/o.Kanniappan aged about 33 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.349/2021 dated 23.11.2021, 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 dated 10.12.2021 has not been considered by the Government so far. Hence the order of detention is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the detaining authority would submit that the representation on behalf of the petitioner has not been considered so far.

5. The non consideration of the representation vitiates the order of detention. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV.No.349/2021 dated 23.11.2021, passed by the second respondent is set aside. The detenu, viz., Meganathan @ Mohan s/o.Kanniappan, aged about 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Addl. Chief Secretary to Government, Home,
Prohibition and Excise Department,
Fort St. George,
Chennai.

2. The Commissioner of Police,
Greater Chennai

3. The Superintendent,
Central Prison Puzhal,
Chennai.

4. The Inspector of Police,
R8 Vadapalani Police Station (crime),
Chennai.

5. The Public Prosecutor,
High Court, Madras.

6. The Joint Secretary to Government,
Public (L & O),
Fort St George, Chennai - 9.

H.C.P.No.2113 of 2021

SVI (CO)
GMY (20/06/2022)