



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mrs. Justice **R.HEMALATHA**

H.C.P.[MD]No.343 of 2022

Ganeshwari .. Petitioner/Wife of the detenu

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the order dated 28.10.2021 made in H.S.(M) Confdl.No.163/2021 on the file of the second respondent and quash the same and consequently direct the respondents to produce the petitioner's husband namely "Ramar S/o.Ramakrishnan, aged about 50 years" who is now detained as a detenu at Central Prison, Palayamkottai, Tirunelveli District or his corpus or body before this Court and set him at liberty forthwith.

For Petitioner : Mr.J.Sankara Pandian

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Ramar, son of Ramakrishnan, aged about 50 years. The detenu has been detained by



the second respondent by his order in Memo H.S.(M) Confdl.No.163/2021 dated 28.10.2021, 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 and we have also perused the records carefully.

3.The learned Counsel for the petitioner submitted that in paragraph No.5 of the detention order dated 28.10.2021, the detaining authority has stated as follows:

*"5.Further the accused **Ramar** is an active rowdy. His activities are under watch by Ottapidaram Police Station."*

4.The learned Counsel for the petitioner further submitted that the impugned detention order has been clamped against the detenu based on a solitary case relating to a quarrel between the detenu and his neighbour. Apart from the ground case, there is no other case registered or pending against the detenu. Therefore, the impugned order of detention is vitiated in law.

5.The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

6.A perusal of the booklet would go to show that except the ground case there is no other case registered or pending against the detenu. Therefore, there is clear non-application of mind by the detaining authority in stating that the detenu is an active rowdy and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

7.In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl.No.163/2021 dated 28.10.2021, passed by the second respondent is set aside. The detenu, viz., Ramar, son of Ramakrishnan, aged about 50 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

MR



To

- 1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
4. The Joint Secretary to Government,
Public (Law & Order), Fort Saint George, Chennai
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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16.06.2022

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