



HCP(MD)No.652 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.652 of 2022

Krishnammal

.. Petitioner

Vs.

1.State of Tamil Nadu,
rep. by its Additional Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents



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PRAYER: 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 second respondent in his proceedings M.H.S. Confdl. No.01/2022 dated 04.01.2022 and quash the same and direct the respondents to produce the body or person of the detenu namely, Balakrishnan, son of Subbaiah Thevar, aged about 45 years, (now detained at Central Prison, Tirunelveli) before this Court and set him at liberty.

For Petitioner : Mr.M.M.Manivelpandian

For Respondents : Mr.A,Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.HEMALATHA, J.**]

The petitioner is the wife of the detenu viz., Balakrishnan, son of Subbaiah Thevar, aged about 45 years. The detenu has been detained by the second respondent by his order in M.H.S. Confdl. No.01/2022 dated 04.01.2022, 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.



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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. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.223 of the booklet, it is clear that the legible copy of Form No.91 has not been furnished to the detenu. Thus the impugned detention order is liable to be set aside on this ground.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S. Confdl. No.01/2022 dated 04.01.2022, passed by the second respondent is set aside. The detenu, viz., Balakrishnan, son of Subbaiah Thevar, aged about 45 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.H.,J.)
23.08.2022

Index: Yes/No
Internet : Yes / No
RM



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To

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Home, Prohibition and Excise Department,
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Chennai – 600 009.
2. The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
3. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH, J.
and
R.HEMALATHA, J.

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