



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.[MD]No.672 of 2022

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Muniyasamy

.. Petitioner /
Elder brother of the Detenu
Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600009.
 - 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District.
 - 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- .. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the Respondent No.2 in S.R.No.80/Goonda/2021 dated 27.08.2021 and quash the same and direct the Respondents to produce the body or person of the detenu by name Valivittan @ Muthuvalivittan, son of Solai, aged about 27 years, now detained as 'Goonda' at Madurai Cental Prison before this Court and set him at liberty forthwith.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.S.Ravi
	Additional Public Prosecutor

O R D E R

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

The petitioner is the elder brother of the detenu. The detenu has been detained by the second respondent by his order in S.R.No.80/Goonda/2021 dated 27.08.2021, 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. 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 grounds, 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 Nos.25, 45 & 65 of the booklet, it is clear that the documents relating to the list of properties sent to the Magistrate is not legible. Thus, the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.S.R.No.80/Goonda/2021, dated 27.08.2021 passed by the second respondent is set aside. The detenu, viz., Valivittan @ Muthuvalivittan, aged about 27 years, son of Solai, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

PJL

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600009.

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



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

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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.

ORDER MADE IN
H.C.P. [MD] No. 672 of 2022
17.06.2022

DKS (CO)
TR(07.07.2022) 3P 6C